

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

CRIMINAL APPLICATION NO. 3426 OF 2017
IN
CRIMINAL APPEAL NO. 302 OF 2017

RAMDAS S/O. MANIKRAO SHRIKHANDE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Gore Ravindra Vitthal
APP for Respondent/State: S.Y.Mahajan

...

CORAM : V.L. ACHLIYA, J.

Dated: JULY 10, 2017

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ORDER :

The applicant has moved this application seeking suspension of sentence and release on bail during pendency of appeal, for the reasons set out in detail in the application.

2. Heard the learned counsel for the applicant and A.P.P for the State. Perused impugned judgment and order passed by the trial court.

3. Applicant was tried for committing an offence punishable under section 323, 504,506 of the Indian Penal Code and under section 3(1)(x) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. On conclusion of the trial, the applicant is held guilty for committing offence punishable under section 323 of the I.P.C and is sentenced to suffer rigorous imprisonment of one month and to pay fine amount of Rs.500/- and for the offence punishable under section 506 of the I.P.C sentenced to suffer rigorous imprisonment of six months and to pay fine of Rs. 500/-. So far as offence punishable under section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act is concerned, the applicant is convicted and sentenced to suffer rigorous imprisonment of six months and to pay fine amount of Rs.1,000/-. Being aggrieved by the impugned Judgment and order, the applicant/ accused has preferred this appeal.

4 Applicant was on bail. In order to prefer an appeal the trial court has suspended the sentence. Considering the submissions advanced, the nature of offence and the sentence awarded, and pendency of old appeals it may not be possible to immediately take up this appeal for final hearing. I am therefore, inclined to allow the application and pass the following order :

ORDER

[1] Pending disposal of the appeal, the

execution of substantive sentence stands suspended subject to deposit of fine amount by the applicants.

[2] Pending disposal of the appeal, the applicant be enlarged on bail on his furnishing bail in the sum of Rs. 25,000/- [Rupees Twenty Five Thousand] with one or two sureties in like amount on following conditions.

[i] Pending disposal of the Appeal, the applicant shall appear and record his appearance before the Police Inspector of Wadodbazar Police Station, Dist. Aurangabad once in three months.

[iii] The applicant shall not indulge in the commission of similar offence.

[iv] The applicant shall furnish the names and addresses of his three close relatives.

[3] In case of breach of any condition, the bail granted to the applicant shall be liable to be cancelled.

[4] Police Inspector of Wadodbazar Police Station, Dist. Aurangabad is directed to submit the

report after every six months in respect of compliance of conditions.

[5] Bail be furnished in the trial Court within two week from the date of this order. Failure to furnish the bail within the period prescribed, the order of grant of bail shall stand cancelled.

[V.L.ACHLIYA, J.]