

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.379 OF 2018
(FOR BAIL)
IN
CRI. REVISION APPLICATION NO.397 OF 2018**

Laxmikant @ Babalu Shivaji Sondage .. Applicant

Vs.

The Staet of Maharashtra .. Respondent

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Mr.Purwant I/b. Mr.Mohammad S. Mulla, Advocate for the Applicant.
Mr.A.R. Patil, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JULY 30 2018.

P.C. :

The applicant is convicted for the offence punishable under Section 354 of Indian Penal Code vide Judgment and order dated 4th August, 2014, passed by the learned Judicial Magistrate First Class, Mohol. The applicant was sentenced to suffer R/I for one year. The applicant preferred an Appeal before the Sessions Court, which was partly allowed by judgment and order dated 19th July, 2018 and the sentence of one year was reduced to three months. It is submitted that the applicant is taken in custody on 19th July, 2018 and since then he is undergoing sentence.

2 Learned counsel for the applicant submitted that the applicant has been falsely implicated in this case on account of dispute of property. Complaint was lodged on the next day. The nature of dispute pending between the complainant and the accused is reflected in the evidence and also referred to by the Appellate Court in the impugned judgment. Learned counsel also pointed out the cross-examination of the complainant, wherein she has stated that immediately after the incident she did not disclosed this fact to any other person. Several other infermities were pointed out by the advocate for the applicant.

3 It is also submitted that the applicant was on bail during the trial and during the pendency of Appeal. He has not misused the liberty of bail granted to him. Learned APP submitted that both the Court have convicted the applicant. There is no reason to disbelieve the complainant. The trial Court as well as the Appellate Court has accepted the evidence of the complainant and convicted the revision applicant.

4 Having gone through the impugned judgments and considering the submissions advanced by learned advocate for the applicant, case for suspension of sentence and grant of bail is

made out. There appears to be dispute between two families on account of right of way. The revision Application preferred by the applicant has been admitted and it is not necessary to appreciate the legality of the evidence before the Court.

5 In the circumstances, I pass the following order:

:: ORDER ::

- (i) Pending the hearing and final disposal of Revision Application No.397 of 2018, the sentence awarded by the learned Judicial Magistrate First Class, Mohol in STC No.547 of 2011, by judgment and order dated 4th August, 2014, as well as the judgment and order dated 19th July, 2018, passed by the Additional Sessions Judge, Solapur, in Criminal Appeal No.80 of 2014, partly allowing the Appeal and reducing the sentence to suffer R/I for one year is suspended and the applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (II) Criminal Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)