

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

**CRIMINAL APPLICATION NO.62 OF 2018
IN
CRI.REVISION APPLICATION NO.79 OF 2018**

Gopal Ramkrishna Badave

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

.....
Mr.Jaydeep D. Mane, Advocate for the Applicant.
Ms.N.S. Jain, APP for the Respondent – State.
.....

CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 14, 2018.

P.C. :

The applicant has been convicted for the offence punishable under Section 295 of the IPC, vide judgment and order dated 5th June, 2010, passed by 2nd Jt. J.M.F.C. Court No.1, Pandharpur. Appeal preferred by the applicant was dismissed vide order dated 23rd January, 2018. Applicant has been sentenced to suffer simple imprisonment for three months. Applicant is taken into custody on 23rd January, 2018, and, since last about 20 days, the applicant is in custody.

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Learned advocate for the applicant submitted that the applicant has been falsely implicated in this case on account of

enmity between two groups. The dispute is with regard to conducting the affairs of the Temple. It is further submitted that the security guards were posted at the Temple. Information was not given to the policeman. FIR was lodged by Samiti who has inimically disposed of against the applicant. It is further submitted that the security guards posted at the scene of offence were not examined by the prosecution.

3 Learned APP submitted that there is concurrent finding of two Courts. The accused has committed serious offence. The prosecution has examined four witnesses.

4 The applicant was on bail during the trial and also during the pendency of the Appeal. Applicant is in custody from 23rd January, 2018. In view of the above, case for suspension of sentence and grant of bail is made out.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Pending Revision Application No.79 of 2018, the sentence of imprisonment awarded by the 2nd Jt.

J.M.F.C. Court No.1, Pandharpur, vide judgment and order dated 5th June, 2010, which was confirmed by the Sessions Court vide judgment and order dated 23rd January, 2018, delivered in Criminal Appeal No.22 of 2010, 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.

(PRAKASH D. NAIK, J.)