

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO.48/2018
IN CRIMINAL REVISION NO.32/2018

Ashok s/o Rambhau Bire (In Jail) ..vs.. State of Maharashtra through PSO
P.S. Talegaon Dashashar, Tq. Dhamangaon Railway, Dist. Amravati.

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

Court's or Judge's orders.

Mr. B. Dafle, Advocate for applicant.
Mr. A. Madiwale, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : FEBRUARY 12, 2018

1. Heard Mr. Dafle, Advocate for applicant and
Mr.Madiwale, A.P.P. for non applicant-State.

2. This is an application under Section 389 of the
Code of Criminal Procedure for suspension of substantive jail
sentence and for grant of bail.

3. The learned trying Magistrate in Regular Criminal
Case No.124/2008 convicted the applicant for an offence
punishable under Sections 448 and 354 of the Indian Penal
Code. For the offence under Section 448 of the IPC, the
applicant was directed to suffer rigorous imprisonment for 6
months and to pay a fine of Rs.500/-, in default of payment
of fine, to suffer rigorous imprisonment for 3 months. For
the offence under Section 354 of the Indian Penal Code the
applicant was directed to suffer rigorous imprisonment for
one month and to pay a fine of Rs.3000/- in default to suffer
rigorous imprisonment for six months.

Both sentences were directed to run concurrently.

4. Being dissatisfied with the said verdict, Criminal Appeal No.216/2013 was filed before the appellate Court and the learned Additional Sessions Judge, Amravati on 03.02.2018 dismissed the appeal. Immediately, the applicant was taken into custody and he is in jail from 03.02.2018.

5. The applicant was on bail throughout during the pendency of trial and also during the pendency of the appeal and at no point of time, he has misused the liberty granted to him.

The statement is accepted. Since the revision gives rise to an arguable question, today this Court has admitted the revision.

6. Looking to the quantum of sentence and looking to the pendency of the revisions, in near future, the present revision is not going to be taken up for its final hearing. Thus, the applicant has made out a case for grant of bail. Hence, following order is passed.

ORDER

- (i) Criminal Application No.48/2018 is allowed.
- (ii) The substantive jail sentence imposed upon the applicant-Ashok Rambhau Bire in Regular Criminal Case No.124/2008 decided on 29.10.2013 by Judicial Magistrate First Class, Dhamangaon and confirmed in Criminal Appeal No.216/2013 decided on 03.02.2018 by Additional Sessions

Judge-3, Amravati shall remain suspended during the pendency of the present revision.

(iii) The applicant-Ashok Rambhau Bire be released on bail on he executing P.R. Bond in the sum of Rs.5,000/- with one solvent surety in the like amount.

(iv) The bail bonds shall be executed before the trial Court. The learned trial Judge shall ensure that the entire fine amount is paid, if not paid earlier.

(v) The applicant shall remain personally present before this Court at the time of hearing of present revision.

The application is disposed of.

JUDGE

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