

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

CRIMINAL APPEAL NO.826/2019

Bharat Kushabrao Yelmule .vs. State of Maharashtra through PSO P.S.
Dhaba, Dist. Chandrapur.

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

Court's or Judge's orders.

Mr. S. O. Ahmed, Advocate for applicant.
Mr. M. J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : DECEMBER 18, 2019

Heard Mr.Ahmed, learned counsel for appellant.

Admit. Call for the record and proceedings.

Learned A.P.P.waives notice for respondent-State.

Criminal Application No. 1077/2019

This is an application for suspension of
substantive jail sentence and for grant of bail.

This applicant is convicted by learned Additional
Sessions Judge, Chandrapur on 20.11.2019 in Special
(Atrocity) Case No.3/2014 and though he is acquitted of the
offence punishable under the Scheduled Caste and
Scheduled Tribe (Prevention of Atrocities) Act, he is
convicted for the offence punishable under Section 354 of
the Indian Penal Code and he is directed to suffer rigorous
imprisonment for one year and to pay a fine of ₹ 1,000/-.

Learned counsel for applicant submits that after
conviction, applicant filed an application for bail before the

learned Judge who has tried the case and the learned trial Judge on 20.11.2019 has suspended the jail sentence for a period of one month on furnishing P.R. Bond of ₹ 15,000/- with one solvent surety. He submits that the fine amount is already deposited and a photocopy of the receipt showing deposit of fine amount is placed on record.

In that view of the matter, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) Substantive jail sentence imposed upon applicant by learned Additional Sessions Judge, Chandrapur in Special (Atrocity) Case No.3/2014 shall remain suspended during pendency of the present appeal.
- (iii) Applicant-Bharat Kushabrao Yelmule be released on bail on he executing fresh P.R. Bond in the sum of ₹15,000/- with one solvent surety in the like amount, within one month from today.
- (iv) Applicant is directed to attend Police Station, Dhaba, Dist. Chandrapur, once in six months, during pendency of the present appeal.
- (v) Applicant shall remain personally present before this Court at the time of final hearing of this appeal.

The application is disposed of.

JUDGE