

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 389 OF 2021
IN APEAL/66/2021

MADAN RAMDAS CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

Mr.Y.L. Bidve h/f. Mr. N.S. Shah, Advocate for the applicant.

Mr.R.B. Bagul, APP for the respondent/State.

CORAM : N.R.BORKAR, J.

DATED : 02.12.2021

PC :-

01. This application is filed under section 389 of the Cr.P.C. for suspension of sentence and to release the applicant on bail.

02. The applicant came to be convicted for the offence punishable under section 354-A(1)(i) of the Indian Penal Code and sentenced to suffer rigorous imprisonment (RI) for one year. He is further convicted for the offence punishable under section 3 (1) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentenced to RI for one year

and for the offence punishable under section 3(2)(va) of the said Act, he is sentenced to suffer RI for six months. All the substantive sentences are directed to run consecutively.

03. I have heard learned Counsel for the applicant and learned APP for the respondent/State.

04. The learned Counsel for the applicant submits that the Trial Court has failed to appreciate the evidence in its correct perspective and arrived at the wrong findings. It is submitted that the applicant was on bail during the trial and he did not misuse the liberty granted to him. It is submitted that considering the short term of sentence, it be suspended and the applicant be released on bail.

05. On the other hand, learned APP for the respondent/State submits that the applicant is involved in serious offence punishable under the provisions of the

Atrocities Act. It is further submitted that considering the nature of offence, the sentence may not be suspended.

06. Considering the fact that the applicant was on bail during the trial and the short term of sentence, I am inclined to suspend the substantive sentenced imposed upon the applicant by the Trial Court and to release him on bail. Hence, following order is passed:-

O R D E R

- i) The application is allowed.
- ii) The substantive sentence of the applicant imposed by the Trial Court is suspended and the applicant be released on bail on furnishing PR bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.
- iii) Bail before the Trial Court.

[N.R.BORKAR,J.]