

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 730 OF 2021
IN
CRIMINAL APPEAL NO. 146 OF 2021**

1. Deepak S/o Shankar Jadhav
Age: 32 years, Occ: Agril.,
2. Shankar S/o Jagannath Jadhav
Age: 57 years, Occ.: Agril.,
3. Hirabai Shankar Jadhav
Age 47 years, Occu.: Agril.

All R/o Vadache Lavan Kangar,
Tq. Rahuri, Dist. Ahmednagar.

... Applicants
(Orig. Accused)

Versus

The State of Maharashtra

... Respondent

....

Mr. Rahul R. Karpe, Advocate for the Applicants.
Mr. S. R. Yadav Lonikar, A.P.P. for Respondent / State

....

**CORAM : SHRIKANT D. KULKARNI, J.
(Vacation Court)**

DATE : 13th MAY, 2021

PER COURT:-

1. Issue notice to respondent / State. Learned A.P.P. waives service of notice for Respondent / State.

2. Heard Mr. Karpe, learned counsel for the applicants / original accused and the learned A.P.P. on the point of suspension of the sentence and bail. Perused the impugned order passed by the Trial Court in Sessions Case No.100 of 2019. It is noticed that the learned Trial Judge was pleased to acquit the applicants / original accused for the offence punishable under Section 304(B) read with Section 34 of the Indian Penal Code. However, the learned Trial Court was pleased to convict the applicants / original accused for the offence punishable under Section 498(A) Explanation (a) read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for six months and pay fine of Rs.1,000/- each. It is submitted by Mr. Karpe, learned counsel for the applicants / original accused that the applicants / original accused have deposited the fine amount of Rs.1,000/- in the Trial Court. He further submits that the applicants / original accused were on bail during the trial.

3. Having regard to the above factual scenario, the applicants / original accused need to be enlarged on bail by suspending the sentence. Hence, the following order.

ORDER

(i) The Criminal Application for suspension of sentence and bail is allowed.

(ii) The impugned judgment and order of sentence passed by the Additional Sessions Judge, Ahmednagar in Sessions Case No.100 of 2019 dated 02.02.2021, thereby convicting the applicants / original accused for the offence punishable under Section 498(A) Explanation (a) read with Section 34 of the Indian Penal Code is hereby suspended.

(iii) The applicants / original accused Nos. 1 to 4 namely (1) Deepak S/o Shankar Jadhav, (2) Shankar S/o Jagannath Jadhav, (3) Hirabai Shankar Jadhav and (4) Lilabai Shankar Jadhav be released on bail on their furnishing PR bond of Rs.15,000/- with one or two solvent sureties each in the like amount .

(iii) In case, the applicants / original accused are not in a position to furnish the bail due to Covid-19, they are at liberty to deposit cash surety in the Trial Court.

(iv) Bail before the Trial Court.

(SHRIKANT D. KULKARNI)
JUDGE

S.P Rane