

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

**961 CRIMINAL APPLICATION NO.1095 OF 2021
IN APPEAL/259/2021**

1. Ashok S/o. Changdeo Pawar
Age: 35 years, Occu.: Agri.
 2. Avinash S/o. Changdeo Pawar
Age: 31 years, Occu.: Agri.
- ..Applicants
(Orig. Accused)

VERSUS

- . The State of Maharashtra
Through Police Station In-charge
Washi Police Station,
Dist.Osmanabad.
- ..Respondent

Advocate for Applicants : Smt.Satyavati K.Doke (Renge)
APP for Respondent-State : Shri S.P.Deshmukh

**CORAM : M.G.SEWLIKAR, J.
VACATION COURT**

DATE: 18th May, 2021

PER COURT:-

1. Heard Smt.S.K.Doke, learned counsel for the applicants and Shri S.P.Deshmukh, learned APP for the respondent-State.
2. Smt.Doke, learned counsel for the applicants argued that the injured was assaulted by the applicants on account of love affair between their sister and the injured. She submitted that there is delay of one day in lodging the FIR for which no explanation is forthcoming. She further submitted that statement of the injured was recorded after about one month of the incident. She submitted

that spot panchanama is also not proved. Medical certificate cannot be relied upon as identification marks of the injured are not noted on the certificate. Age of injury is also not mentioned in the certificate. Ignoring all these aspects, learned Additional Sessions Judge has recorded conviction against the accused. She submitted that considering the quantum of punishment and peculiar situation created due to Covid 19, applicants be released on bail by suspending the sentence.

3. Shri Deshmukh, learned APP for the respondent-State vehemently opposed suspension of sentence. He submitted that sufficient evidence is there on record for recording conviction.

4. Having regard to the submissions made by the learned counsel for the applicants and the fact that the appeal is not likely to be heard in near future, I am inclined to suspend the sentence. In view of this, application is allowed. Substantive sentence is suspended till disposal of the appeal.

5. Applicants be released on bail on executing P.R.Bond of Rs.75,000/- each with one solvent surety in the like amount.

6. Bail be furnished in the trial Court.

(M.G.SEWLIKAR)
JUDGE

SPT