

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

CRIMINAL APPLICATION NO.1179 OF 2021
IN
CRIMINAL APPEAL NO.284 OF 2021

Lalsing s/o. Shripat Patil. **.. APPLICANT**

VERSUS

The State of Maharashtra. **..RESPONDENT**

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Mr.N.S.Ghanekar, Advocate for the applicant.

Mr.M.M.Nerlikar, APP for the respondent-State.

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**CORAM : V. K. JADHAV AND
S. G. DIGE, JJ.**

DATED : 14.07.2021

PER COURT :

1] Heard.

2] Pending the Criminal Appeal No.284 of 2021 preferred against the judgment and order of conviction passed by the Additional Sessions Judge, Jalgaon on 13.05.2021 in Sessions Case No.173 of 2019, convicting thereby accused no.1 Bharat Lalsingh Patil for the offence punishable under Section 302 of the Indian Penal Code and sentencing accused no.1 to suffer rigorous imprisonment for life and pay fine of Rs.1,000/- [Rs. One Thousand only] and in default of payment of fine to suffer simple imprisonment of one month and convicting accused nos.1 and 2 for the

offence punishable under Section 201 r/w. 34 of the IPC and sentencing them to suffer rigorous imprisonment for four years each and to pay fine of Rs.1,000/- [Rs. One thousand only] each, in default to suffer simple imprisonment for one month each, the applicant – original accused no.2 - Lalsing s/o. Shripat Patil has only preferred this application for suspension of substantive sentence and for bail.

3] Learned counsel for the applicant – original accused no.2 submits that original accused no.1 – Bharat Lalsingh Patil has not filed any application for suspension of sentence and for bail.

4] So far as the applicant – original accused no.2 - Lalsing s/o. Shripat Patil is concerned, he has been convicted for the offence punishable under Section 201 of the IPC and sentenced to suffer R.I. for four years and to pay fine of Rs.1,000/- [Rs. One Thousand only]. Learned counsel for the applicant submits that he was on bail during trial and even after pronouncement of the judgment, trial Court, by exercising powers under Section 389 [3] of the Criminal Procedure Code, has released the applicant – original accused no.2 on bail.

5] We have also heard learned APP for the respondent - State.

6] So far as the offence under Section 201 of the IPC is concerned, it is a bailable offence. The applicant – original accused no.2 was on bail during trial and he has never tried to jump the condition of bail. Thus, considering the entire aspect of the case and since the applicant – accused no. 2 was on bail during the trial, we are inclined to release him on bail. Hence, we pass the following order :

ORDER

- i] Criminal Application is hereby allowed.
- ii] Pending the hearing and final disposal of the Criminal Appeal No. 284 of 2021 [Bharat Lalsingh Patil & another Vs. The State of Maharashtra], the substantive sentence passed by the Additional Sessions Judge, Jalgaon, by judgment and order dated 13.05.2021 to the extent of applicant – original accused no.2 - Lalsing s/o. Shripat Patil is hereby suspended and till then, the applicant – original accused no.2 - Lalsing s/o. Shripat Patil be released on bail on furnishing P.B. of Rs.25,000/- [Rs. Twenty Five Thousand] with one solvent surety in the like amount.
- iii] Application is accordingly disposed of.

[S. G. DIGE, J.]

[V. K. JADHAV, J.]