

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CRIMINAL APPLICATION NO. 2462 OF 2021
IN
CRIMINAL APPEAL NO. 516 OF 2021
PAPPU @ VIJAY s/o. Ramrao Kadam and others
vs
State of Maharashtra and another

Mr. Suhas P. Urgunde, Advocate for the applicants
Ms. Rashmi Kulkarni, Advocate for the respondent
No.2 (appointed)
Mr. R. P. Gaur, APP for the respondent/State

CORAM : N. R. BORKAR, J.

DATE : 30-11-2021

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. This is an application under Section 389 of the Code of Criminal Procedure for suspension of substantive sentence and to release the applicant on bail.

2. The applicants came to convicted for the offences punishable under Sections 143, 147, 148, 149 and 324 of the Indian Penal Code. So also, the Section 3(1)(r) and (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The maximum sentence imposed by the trial court is of

three years.

3. I have heard the learned counsel for the applicants, the learned APP for the respondent/State and the learned counsel for the respondent No. 2.

4. The learned counsel for the applicants submits that the witness attributed the alleged abuses on the caste to accused No. 2 only. It is submitted that the applicants were on bail during the trial and they did not misuse the liberty granted to them. It is submitted that considering the short term of sentence the substantive sentence be suspended and the applicants be released on bail.

5. On the other hand the learned APP for the respondent/State and the learned counsel for the respondent No. 2 submit that the accused are involved in serious crime for the offences punishable under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. It is submitted that considering the nature of offence, the law and order problem may arise, if applicants are released on bail. Accordingly submitted that the substantive sentence

may not be suspended and the the applicants may not be released on bail.

6. This court has already admitted the appeal filed by the applicants. Considering the short term of sentence and the fact that the applicants were on bail during the trial, I am inclined to suspend the sentence and to release the applicants on bail on certain conditions. In the result, following order is passed.

ORDER

i. The application is allowed.

ii. The substantive sentence imposed by the trial court vide impugned judgment and order is suspended and the applicants are released on bail on their furnishing the PR bond of Rs. 25,000/- [Rupees Twenty Five Thousand] each with one surety in the like amount.

iii. The applicants shall attend the Tamsa Police Station, Tq. Hadgaon, Dist. Nanded once in a month i.e. on first Monday of

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every month between 11.00 am to 02.00 pm
till the final disposal of the appeal.

iv. Bail before the trial court.

[N. R. BORKAR, J.]

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