

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

CRIMINAL APPLICATION NO. 2706 OF 2021

Ravi Babanrao Suraywanshi,
Age : 33 Years, Occ. Business,
R/o. New Renapur Naka,
Latur. .. Applicant

V E R S U S

The State of Maharashtra,
Through Police Station Officer,
Police Station Gandhi Chowk,
Latur. .. Respondent

...
Advocate for the Applicant : Mr. Prasad Jarale h/f
Mr. A. D. Gade
A.P.P for Respondent-State : Ms. R. P. Gour
...

**CORAM : N.R. BORKAR, J.
DATE : 26.11.2021**

PER COURT :-

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 applicant came to be convicted for the offence punishable under Section 353 of the Indian Penal Code and sentenced to suffer Rigorous imprisonment for four months and to pay fine of Rs. 2000/-, in default of payment of fine, to suffer simple imprisonment of one month.

3. I have heard the learned counsel for the applicant and learned A.P.P for respondent State.

4. The learned counsel for the applicant submits that the trial Court has failed to appreciate the evidence on record in its correct perspective and arrived at the wrong findings. It is further 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 these facts and circumstances, substantive sentence be suspended and applicant be released on bail.

5. On the other hand, learned counsel for the respondent submits that applicant is involved in serious case of blacking the face of public servant. It is submitted that considering the nature of offence the substantive sentence may not be suspended.

6. This Court has already admitted the appeal filed by the applicant against his conviction. Considering the fact that the applicant was on bail during the trial and short term of sentence, I am inclined to suspend the substantive sentence imposed upon the applicant by the Trial Court and to release him on bail. Hence the following order is passed :-

O R D E R

- i. The application is allowed.
- ii. The substantive sentence imposed upon the applicant by the trial Court in Sessions Case NO. 130 of 2019 dated 11.10.2021 is suspended till final decision of the Appeal filed by the applicant.
- iii. The applicant be released on bail, on executing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.
- iv. The applicant shall attend the Gandhi Chowk Police Station, Latur once in a month i.e. on first Monday of every month between 11.00 am to 02.00 pm during the pendency of the present Criminal Appeal No. 582 of 2021.
- v. Bail before the Trial Court.

(N. R. BORKAR)
JUDGE

ysk