

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

**916 CRIMINAL APPLICATION NO. 2950 OF 2021
IN
APEAL/626/2021**

Lalit @ Channu Prakash Patil,
Age; 41 years, Occ; Nil,
R/o; Neri, Tqluka Pachora,
District; Jalgaon.

...Applicant

VERSUS

The State of Maharashtra

...Respondent

...
Advocate for Appellant : Mr. Dhanraj Ingole h/f Mr.Ghanekar
Nilesh S.

APP for Respondent-State : Mr. R.B.Bagul

...

CORAM : N.R. BORKAR , J.

DATE : 03rd DECEMBER, 2021.

P. C. :

1. This is an application under Section 389 of the Code of Criminal Procedure (for short "Cr.P.C.") for suspension of sentence and to release the applicant on bail.

2. Applicant who was accused in Sessions Case No. 71 of 2019 came to be convicted by the Judgment and order dated 13.10.2021 passed by the learned Additional Sessions Judge, Jalgaon for the offence punishable under Section 353 of the Indian Penal Code (for short "I.P.C.") and sentenced to suffer R.I. for 3 years

and to pay fine of Rs. 5,000/-, in default to suffer S.I. for 6 months.

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

4. Learned counsel for the applicant submits that the trial Court erred in convicting the applicant. It is submitted that the applicant was on bail during trial and did not misuse the liberty granted to him. It is submitted that considering short term of sentence it be suspended & the applicant be released on bail.

5. On the other hand, learned APP for Respondent-State submits that the applicant is involved in serious crime of assaulting the public servant i.e. S.T. driver. It is submitted that considering the nature of the offence, sentence may not be suspended and the applicant may not be released on bail.

6. I have perused the impugned judgment and order. The incident does not appears to be premeditated. Considering the fact that the applicant was on bail during trial and the short term of sentence, I am inclined to release the applicant on bail. Hence following order is passed :

ORDER

- a. Application is allowed.
- b. Substantive sentence imposed by the trial

Court vide impugned judgment and order is suspended and the applicant Lalit @ Channu Prakash Patil is released on bail on furnishing P.R. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

c. Bail before the trial Court.

(N.R. BORKAR)
JUDGE

mahajansb/