

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

**28 CRIMINAL APPLICATION NO. 3152 OF 2021
IN
APEAL/655/2021**

**BABAN GANPAT SUTAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Appellants : Mr.Kanade Angad L.
APP for Respondent-Sate : Mrs. G.L.Deshpande
...

**CORAM : N.R. BORKAR , J.
DATE : 20th DECEMBER, 2021.**

P. C. :

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

2. The applicants came to be convicted for the offence punishable under Section 353 read with Section 34 of the Indian Penal Code and sentenced to suffer R.I. for a period of 3 months and to pay fine of Rs. 3,000/- each, in default to suffer S.I. for 1 month each.

3. The applicant No. 1 has been further convicted for the offence punishable under Section 294 of the Indian Penal Code (for short "I.P.C.") and sentenced to suffer R.I. for 3 months and to pay fine of Rs. 2,000/- in default to suffer S.I. for 1 month.

4. The applicant No. 1 has been further convicted for the offence punishable under Section 506 of I.P.C. and sentenced to suffer R.I. for 3 months and to pay fine of Rs. 2,000/-, in default to suffer S.I. for 1 month. All the sentences are directed to run concurrently.

5. I have heard the learned counsel for the applicants and the learned A.P.P. for the Respondent-State.

6. Admittedly the applicants were on bail during the trial and they did not misuse the liberty granted to them. Considering this short term of sentence, I am inclined to suspend the substantive sentence and to the release the applicants on bail. Hence following order is passed :

ORDER

- a. Application is allowed.
- b. Substantive sentence imposed by the trial Court is suspended and the applicants are released on bail on furnishing their P.R. bond in the sum of Rs. 25,000/- (Rs. Twenty Five Thousand) each with one surety in the like amount.
- c. Bail before the trial Court.

(N.R. BORKAR)
JUDGE