

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

**CRIMINAL APPLICATION NO.731 OF 2022 IN
CRIMINAL APPEAL NO.157 OF 2022**

Shyam Rajaram Shirole & ors. ... APPLICANTS

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Mr. S.S. Gangakhedkar, Advocate for applicants
Mr. S.P. Sonpawale, A.P.P. for respondent No.1 – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 26th FEBRUARY, 2022.

PER COURT :

Heard. Issue notice returnable on 21st March 2022. Learned A.P.P. waives service for the respondent No.1– State.

2. The applicants have been convicted for the offences punishable under Section 323 read with Section of the Indian Penal Code and sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.1000/-, in default to suffer rigorous imprisonment for 15 days. The applicants are also convicted for the offences punishable under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read

with Section 34 of the Indian Penal Code and have been sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.10,000/- each, in default to suffer rigorous imprisonment for two months. The criminal appeal filed by the applicants has been admitted by this Court.

3. The sentences awarded are short term sentences. The appeal is not likely to be heard in near future. Therefore, I am inclined to suspend the sentence and grant bail to the applicants pending the appeal. Hence the order :

ORDER

The criminal application is allowed. Pending the appeal, the substantive sentences imposed by the learned Additional Sessions Judge-2, Nanded in Special Atrocity Case No.42/2016, by judgment and order dated 29/1/2022 are suspended and the applicants shall be released on bail on their executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount.

**(R. G. AVACHAT)
JUDGE**

fmp/-