

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1156 OF 2022
IN
CRIMINAL APPEAL NO.259 OF 2022

1. Asha w/o. Kiran Pagare
Age: 36 Years, Occu.: Household,
R/o.Kusum Nagar, Tq.Bhoom, Dist.Osmanabad .. Applicant
Versus
The State of Maharashtra
through Police Station Bhoom,
Dist. Osmanabad. .. Respondent.

Mr. Nikhil S. Tekale, Advocate for applicants
Mr. S.D. Ghayal, APP for respondent.

**CORAM : V.M. DESHPANDE
& SANDIPKUMAR C. MORE, JJ.
DATE : 19TH APRIL, 2022.**

P.C.:

1] This is an application for suspension of substantive jail sentence and for grant of bail filed by the original accused no.5 in the trial.

2] Heard Shri Nikhil Tekale, learned Counsel for the applicant and Shri S. D. Ghayal, learned APP for respondent.

3] Though the applicant alongwith other co-accused was charged for the offence punishable under section 302 read with Section 149 and Section 143 of the IPC, as per the impugned judgment and order of conviction by the learned Additional Sessions Judge, Bhoom dated 17.03.2022 in Sessions Case No.161 of 2014, was acquitted for the offence punishable under Section 302 read with Section 149 of IPC. As

per clause no. 4 of the operative order of the impugned judgment, the applicant / accused no.5 stands convicted for the offence punishable under Section 143 of IPC and is directed to suffer R.I. for 6 months and to pay a fine of Rs.3000/-.

4] It is to be mentioned that the applicant was on bail during trial. Further, in the application it is stated in para no.13 that the sentence awarded to the applicant is suspended by the learned Court below.

5] Looking to the quantum of punishment awarded to the applicant and the fact that the applicant was on bail during the trial, this Court is passing the following order.

ORDER

[i] The impugned judgment and order passed by the learned Additional Sessions Judge, Bhoom dated 17.03.2022 in Sessions Case No.161 of 2014 convicting the applicant for the offence punishable under Section 143 of IPC, shall stand suspended during the pendency of the appeal qua present applicant.

[ii] Applicant Asha w/o. Kiran Pagare be released on bail during the pendency of appeal on her executing P.R.Bond in the sum of Rs.5,000/- with one surety in the like amount.

[iii] Application is allowed and disposed of.

[SANDIPKUKAR C. MORE]
JUDGE

[V.M. DESHPANDE]
JUDGE.

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crapln 1156.22 sr no. 930.odt

grt/-