

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1929 OF 2022
IN APEAL/433/2022

1. Suresh Govind Jagtap
 2. Asha Suresh Jagtap
- ... Applicants

Versus

The State of Maharashtra

... Respondent

...

Mr. Chaitanya Deshpande h/f Mr. Govind M. Sharma, Advocate for applicants.

Mr. S. P. Deshmukh, APP for the respondent – State.

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 29.06.2022

ORDER :-

. The applicants/appellants are the original accused Nos.2 and 3, who faced trial in Sessions Case No.634 of 2019. They have been convicted by learned Additional Sessions Judge, Aurangabad on 10.05.2022 and they have been sentenced thus :-

. Applicants have been convicted under Section 235(2) of the Code of Criminal Procedure of the offence under Section 353 read with Section 34 of Indian Penal Code and thereby sentenced to suffer rigorous imprisonment of one year and to pay fine of Rs.500/- each, in default, to suffer simple imprisonment for one month.

2. Though the learned Advocate for the applicants/appellants has not provided the copies of deposition, yet taking into consideration the sentence imposed, it can be said that it is a small sentence and, therefore, the appellants should be given benefit of the ratio laid down in *Kiran Kumar Vs. State of M. P [(2001) 9 SCC 211]*. Their sentence needs to be suspended till the hearing and final disposal of the appeal. Hence, the following order :-

ORDER

- I) The application is hereby allowed.
- II) The substantive sentence imposed on the applicant in Sessions Case No.634 of 2019 by learned Additional Sessions Judge, Aurangabad on 10.05.2022 is hereby suspended till the hearing and conclusion of Criminal Appeal No.433 of 2022.
- III) The applicants viz. (i) Suresh Govind Jagtap and (ii) Asha Suresh Jagtap be released on P.R. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) each.
- IV) They shall not commit any offence.
- V) The applicants shall remain present before the learned Trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date they tenders bail papers and thereafter, the Trial Judge to fix dates for their subsequent appearances.

VI) In case of two consecutive defaults on the part of the applicants to remain present before the Trial Court, the Trial Court to inform this Court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicants.

VII) Bail before trial Court.

[SMT. VIBHA KANKANWADI, J.]

scm