

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

901 CRIMINAL APPLICATION NO.2313 OF 2022
IN
CRIMINAL APPEAL NO.523 2022

BALAJI PRALHADRAO PAWDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Thombre S.S.
APP for Respondent : Mr. P G Borade

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CORAM : SHRIKANT D. KULKARNI, J.
Dated : July 28, 2022

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PER COURT :-

1. It is an application for suspension of sentence and bail moved by the applicants/appellants. According to the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the informant is also made as party respondent no.2 to this application. However, the application is to the extent of bail and suspension of sentence, as such no need to wait for appearance of respondent no.2.

2. Heard Mr. Thombre, learned counsel for the applicants/appellants and Mr. Borade, learned APP for the State/respondent no.1. It is revealed during the

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course of argument that, the the applicants/appellants came to be convicted by the Additional Sessions Judge-1, Nanded for the offence punishable under sections 342, 323, 506 of the Indian Penal Code and under sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short hereinafter referred to as 'the said Act') and sentenced to undergo rigorous imprisonment for three years and fine of Rs.10,000/- for the offence under section 3(1)(r) of the said Act and of equal fine amount and sentence under section 3(1)(s) of the said Act and also sentenced one year each and fine of Rs.1,000/- for the respective Penal Sections of IPC. It is revealed during the course of argument that, the applicants/appellants have deposited the entire fine amount with the Sessions Court. It is further revealed that they were on bail during the trial. After conviction they are on bail.

3. With regard to the above factual scenario and looking to the short period of sentence awarded by the

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Sessions Court/Special Court, it would be just and proper to suspend the sentence and release the applicants/appellants on bail. Hence, the following order.

ORDER

- i. The application is hereby allowed.
- ii. The substantive part of the sentence passed against the applicants/appellants no.1 to 4 by the Additional Sessions Judge-1, Nanded in Special Atrocity Case No.19 of 2018 is hereby suspended till Final disposal of the Criminal Appeal No.523 of 2022.
- iii. The applicants/appellants shall be released on Bail on their furnishing P.R. of Rs.15,000/- (Rs Fifteen Thousand) each, with one or two sureties of the like amount by each of them, on following conditions :-
 - a] The applicants/appellants shall furnish their detailed address with Cell Numbers with the Trial Court.
 - b] Bail before the Trial Court.

- iv. Criminal application is accordingly disposed off.

(SHRIKANT D. KULKARNI, J.)

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