

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 CRIMINAL APPLICATION NO. 2709 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.243 OF 2022

1) VIJAY @ VIJAYKUMAR SANTUKRAO BONDGE
2) NARSING S/O DEORAO BACHIPALLE
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicants : Mr. Chaitanya C. Deshpande
APP for Respondent: Mrs. Geeta L. Deshpande
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CORAM : BHARAT P. DESHPANDE, J.
DATED : 20th AUGUST 2022

PER COURT:-

1. This is an application for suspension of sentence and grant of bail.
2. The applicants were prosecuted for the offences punishable under Sections 420 and 467 of I.P.C. before the learned Magistrate at Nanded in R.C.C. No. 292 of 1996. The learned Magistrate found both the applicants guilty for the said offences vide judgment and order dated 16.8.2019. The applicants therefore, challenged the said conviction in criminal appeal No. 48 of 2019 before the Sessions Court at Nanded. The said appeal was rejected vide order dated 16.8.2022.
3. Learned counsel for the applicants submits that during trial as

well as during pendency of appeal, both the applicants were on bail and they did not violate any conditions during that time.

4. Learned counsel for the applicants submits that the applicants are having good case on merits, as evidence before the courts below is not sufficient enough to convict the applicants for the said offences. He then invited attention of this court to the operative part of judgment passed by the Additional Sessions Judge, Nanded and more particularly para 5 thereof, wherein the learned Additional Sessions Judge forwarded copy of sale deed to the office of Sub Registrar stating that the sale deed is null and void and to take note of it.

5. I have also heard the learned A.P.P. for the respondent State.

6. Considering the above submissions, it is clear that arguable case is made out in the criminal revision application.

7. Since both the applicants were on bail during trial and even during pendency of the appeal, the substantive sentence awarded by the courts below needs to be suspended till disposal of criminal revision application. Hence the following order:-

O R D E R

- I. Criminal application stands allowed.
- II. The substantive sentence awarded by the courts below vide impugned judgment and orders are hereby suspended till disposal of criminal revision application and both the applicants shall be released on bail on furnishing personal bond of Rs.15,000/- each with one solvent surety each in the like amount to the satisfaction of learned Magistrate.
- III. Criminal application stands disposed of.
- IV. Parties to act on authenticated copy of this order.

(BHARAT P. DESHPANDE, J.)

rlj/