

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

**CRIMINAL APPLICATION NO. 2769 OF 2022
IN
CRIMINAL APPEAL NO.613 OF 2022**

1. Panchakala Digambar Murdunge
2. Asha Digambar Murdunge ... Applicants

Versus

The State of Maharashtra ... Respondent

....
Mr. Mayur V. Salunke, Advocate for the Applicants.
Mr. S.P. Deshmukh, APP for respondent/State
....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 26 AUGUST, 2022

PER COURT:-

. It is an application for suspension of sentence and bail moved by the applicants/original accused Nos.2 and 3.

2. Heard Mr. Mayur Salunke, learned counsel for the applicants/original accused Nos. 2 and 3 and Mr. Deshmukh, learned APP for respondent/State.

3. Perused the impugned judgment and order of conviction rendered by the Special Judge, under the SC and ST (POA) Act, Aurangabad dated 20.06.2022. It appears that the applicants/original accused Nos. 2 and 3 came to be convicted for the offence punishable under Section 3(1)(x) of

the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentence to suffer rigorous imprisonment for six months and to pay fine of Rs.10,000/- each with default stipulation. They were also convicted under the various sections of the Indian Penal Code. The applicants/ original accused Nos.2 and 3 have challenged the impugned judgment and order of conviction on various grounds and it is under scrutiny. The maximum sentence awarded against the appellants/original accused Nos.2 and 3 is for six months. It is revealed that the applicant/ original accused Nos.2 and 3 have deposited the fine amount with the trial court. The applicants were also released on bail during the appeal period and that period comes to an end on 30.07.2022. Be that as it may, by considering the volume of sentences awarded by the trial court, and in view of the fact that they were on bail during the appeal period, there are no extraordinary circumstances to keep the applicants/original accused Nos. 2 and 3 behind the bars. Looking to the fact that the applicants/original accused Nos.2 and 3 were on bail and both of them are lady members of the family, it would be just and proper to suspend the sentence and release the applicants/ original accused Nos.2 and 3.

ORDER

- (i) The application is hereby allowed.
- (ii) The execution of substantive sentence passed against the applicants/appellant in Sessions Case No.327 of 2016 by the Special Judge, under the SC and ST (POA) Act, Aurangabad is hereby suspended till final disposal of the appeal.
- (iii) The applicants/original accused Nos.2 and 3 shall be released on bail on his furnishing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one or two solvent sureties of the like amount by each of them on following conditions :-
 - (a) The applicants/original accused Nos.2 and 3 shall furnish their in detail address with Cell Number with the Trial Court and the concerned Police Station.
 - (b) Bail before the trial court.
- (iv) The Criminal application is accordingly disposed of.
- (v) Authenticated copy be issued.

[SHRIKANT D. KULKARNI]
JUDGE