

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

**CRIMINAL APPLICATION NO.2834 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 268 OF 2022**

**INDUBAI DEORAM PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR.**

Mr.Vinod Prakash Patil, Advocate for the applicants.
Mrs.PV. Diggikar, APP for the respondent/State.
Mr. Rahul Savale, Advocate for respondent No.2.

**CORAM : KISHORE C. SANT, J.
DATED : 21.09.2022**

PC :-

01. Heard the learned Advocate for the applicants. He has already stated that applicant No.3 has expired on 04.09.2022 and the criminal revision application is abated to his extent. He states that there are good grounds to allow the revision application and he has every chance of success. This Court in the criminal revision application has already called for the record and proceedings.

02. The learned Advocate for the applicants states that the sentence awarded is a short sentence of only two years. Subsequent to recording of the conviction and dismissal of the appeal by the learned Sessions Court, there is now settlement between the parties. The informant happens to be cousin sister of applicant No.1 and there is settlement between the parties. This Court had already considered this aspect and observed that offence under

section 465 of the IPC is not compoundable. The learned Advocate submits that, however, this fact also needs to be considered while considering the aspect of suspension of sentence. He states that applicant Nos.2 and 4 have already surrendered before the Judicial Magistrate, First Class on 20.09.2022.

03. Considering the short sentence and considering that now there is settlement between the parties, though the offence is not compoundable, still certainly it will have bearing upon the sentence, this Court thinks fit in the interest of justice that the sentence needs to be suspended by directing release of the applicants on bail. Hence, the following order is passed :-

ORDER

- i) The application is allowed.
- ii) Pending hearing and disposal of the Criminal Revision Application No.268 of 2022, the sentence imposed upon the applicants is suspended.
- iii) The applicants are directed to be released on bail on furnishing PR bond of Rs.15,000/- (Rupees Fifteen Thousand) with one solvent surety in the like amount each.
- iv) Bail to be furnished before the Trial Court.
- v) Parties to act upon authenticated copy of this order.

[KISHORE C. SANT, J.]