

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.929 OF 2022
IN
CRIMINAL APPEAL NO.276 OF 2022

Bapurao Malhari Madane and others	Applicants
versus	
The State of Maharashtra and another	Respondents

Mr.VishwanathS. Talkute, Advocate for applicants.
Mr.Ajay Patil, APP, for State.
Mr.Vaibhav Gaikwad, Advocate for respondent no.2.

CORAM : PRAKASH D. NAIK, J.

DATE : 4th May 2022

PC :

1. The applicants are convicted for the offence punishable under Section 3(1)(x) after amendment Section 3(1)(r)(s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as well as for the offence under Section 504 of IPC and sentenced to suffer rigorous imprisonment for 1 year and to pay fine of Rs.10,000/-. They are further convicted for offences under Sections 143 and 149 of IPC and sentenced to suffer rigorous imprisonment for 3 months and to pay fine of Rs.500/-. They are further convicted for offences under Sections 447, 149, 420 and 149 of IPC and sentenced to suffer imprisonment for 1 year on each count. All the sentences were directed to run concurrently.

2. Learned advocate for applicants submitted that the applicants were on bail during trial. On the date of conviction the Trial Court has suspended the sentence of imprisonment in accordance with

Section 389 of Cr.PC and the suspension is in operation till 17th March 2022.

3. Learned APP submitted that the evidence establishes the charges against accused. Learned advocate for respondent no.2 submit that the offence is serious. There is sufficient evidence against applicants. The charges are proved.

4. Vide order dated 17th March 2022 notice was issued to respondent no.2 and by way of interim relief sentence of imprisonment was suspended. The Trial Court had also suspended sentence of imprisonment on the date of conviction in accordance with Section 389 of Cr.PC. On 11th April 2022 the advocate representing respondent no.2 had appeared and sought time to file vakalatnama. The application was then adjourned to 25th April 2022 since none appeared for respondent no.2. Learned advocate for applicant was directed to serve notice of application-appeal upon advocate for respondent no.2. Learned advocate for applicant submit that copy of application and appeal has been served upon advocate who had appeared on behalf of respondent no.2.

5. The sentence is of short term. The maximum sentence imposed by the Trial Court is of 1 year. The applicant was on bail during trial. The sentence was suspended on the date of conviction. Hence, interim relief granted by this Court by order dated 17th March 2022 deserves to be confirmed.

ORDER

(i) Interim Application is allowed and disposed of;

- (ii) Interim relief dated 17th March 2022 is confirmed;
- (iii) During pendency of Criminal Appeal No.276 of 2022, the sentence of imprisonment imposed vide judgment and order dated 17th February 2022 passed by learned Additional Sessions Judge, Vaduj in Special Case No.7 of 2011 is suspended and applicants are directed to be released on bail on executing PR bond in the sum of Rs.15,000/- each with one or more sureties in the like amount;
- (iv) The applicants are permitted to furnish cash bail in the sum of Rs.15,000/- each;
- (v) The applicant shall attend Trial Court once in six months on First Saturday of the month till disposal of the Criminal Appeal;
- (vi) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;
- (vii) In the event of default committed by the applicant in attending the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)

MST