

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1226 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.160 OF 2022

Darshan Janardan Jadhav and Another ...Applicants

vs.

Vidya Yashwant Ruke and Another ...Respondents

Mr. S.M.Railkar, for the Applicants.

Mr. S.R. Agarkar, APP for Respondent No. 2-State.

CORAM : N. J. JAMADAR, J.

DATE : APRIL 18, 2022

P.C.:

1. Heard the learned counsel for the applicants and learned APP for the State.

2. This application is preferred to release the applicant on bail during the pendency of the revision application.

3. The applicant Nos. 1 and 2 were prosecuted for the offences punishable under sections 420, 406 and 407 read with 34 of Indian Penal Code, 1860 in Regular Criminal Case No. 23 of 2015 before the learned Judicial Magistrate First Class, Khed, Ratnagiri. The applicants were acquitted by the learned Magistrate by the judgment and order dated 8th June, 2017.

4. The respondent No. 1 preferred a Criminal Appeal No. 26 of 2017. By the impugned judgment and order, the Additional Sessions

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Judge, Khed was persuaded to reverse the order of acquittal and convict the applicants for the offences punishable under sections 406 and 420 read with 34 of the Penal Code and sentence them to suffer simple imprisonment for one year and six months for the offence punishable under section 406 of the Penal Code and three years for the offence punishable under section 420 of the Penal Code and also pay fine of Rs. 5,000/- each, with default stipulation. The applicants are thus in revision.

5. As the applicants were initially acquitted by the learned Magistrate, arguable questions are raised in this revision petition.

6. The substantive sentence stands suspended till the decision of the revision application.

7. The applicants be released on bail on furnishing a P. R. Bond of Rs. 15,000/- and a surety in the like amount to the satisfaction of the learned Additional Sessions Judge, Khed, Dist. Ratnagiri.

8. Interim application stands disposed.

9. All concerned to act on an authenticated copy of this order.

(N. J. JAMADAR, J.)