

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

914 CRIMINAL APPLICATION NO.272 OF 2023
IN APEAL/45/2023 WITH APEAL/45/2023

SHARAD @ BALIRAM RAMCHANDRA NAVALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Vilas P. Savant
APP for Respondents: Mr. V. S. Badakh
Advocate for Respondent No. 2 (appointed) : Rahul M. Gaikwad

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CORAM : R. M. JOSHI, J.
DATE : 19th AUGUST, 2023

PER COURT :

1. Heard learned advocates for both the sides.
2. The applicant is handed over with short term sentence of one year rigorous imprisonment for the offence punishable under Section 354 of the Indian Penal Code with fine of Rs. 25,000/-.
3. Learned advocate for the applicant submits that the fine amount is already deposited with the trial Court. It is his contention that if the applicant is required to undergo the substantive sentence of imprisonment, the appeal itself would become infructuous.

4. This Court finds considerable force in the statement made by the learned counsel for the applicant as there is no likelihood of taking up the appeal in the near future. In view of this, **the application is allowed.** The applicant shall be released on bail on his furnishing PR. bond of Rs. 15,000/- with two solvent sureties in the like amount. Bail before the trial Court. The substantive sentence imposed against the applicant vide judgment and order dated 13.12.2022 in Spl. (Atrocity) Case No. 73/2016, stands suspended till the decision of the appeal.

5. Fees of the learned counsel appointed to represent respondent no. 2 is quantified at Rs. 6,000/- (Rupees Six Thousand), which shall be paid by the High Court Legal Aid Services, Sub-Committee, Aurangabad.

[R. M. JOSHI]
JUDGE

SG Punde