

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

**45 CRIMINAL APPLICATION NO.1149 OF 2023
IN APEAL/259/2023**

Ajay Bandu Kshirsagar

...Applicant

VERSUS

The State of Maharashtra

...Respondent

...
Advocate for Applicant : Ms.Salunke Sheetal Vilas
APP for Respondent-State : Mr.K.N.Lokhande
...

CORAM : R. G. AVACHAT, J.

DATE : 27.03.2023.

PER COURT :

1. Heard. Issue notice to the respondent-State, returnable on 10.04.2023. The learned APP waives service of notice for the respondent-State.

2. The applicant has been convicted by the Additional Sessions Judge, Osmanabad, District Osmanabad, in Sessions Case No. 02 of 2019, by the judgment and order dated 13.02.2023, for the offence punishable under Section 396 of the Indian Penal Code and he is sentenced to suffer Imprisonment for a period of 10 years and to pay fine of Rs. 5,000/-, in default to suffer Simple Imprisonment for a period of six months.

3. The similarly placed co-convicts have been granted the suspension of execution of their substantive sentences of imprisonment. In view of the same, the application of the applicant is allowed in terms of following order :

ORDER

- (a) Application is allowed.
- (b) Pending the appeal, the execution of substantive sentence of imprisonment imposed upon the applicant, by the learned Additional Sessions Judge, Osmanabad, in Sessions Case No. 02 of 2019, by the judgment and order dated 13.02.2023, to stand suspended and the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety each in the like amount.

(R. G. AVACHAT)
JUDGE

mahajansb/