

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

CRIMINAL APPLICATION NO. 1864 OF 2023
IN CRIMINAL APPEAL NO. 495 OF 2023

BHISHMA S/O UTTAM SADAWARTE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Appellant : Mr. U. L. Telgaonkar
APP for Respondent: Mrs. Vaishali N Patil-Jadhav
....

CORAM : S. G. MEHARE, J.

DATE : 15.06.2023

PER COURT :

1. Heard the learned counsel for the applicant and learned counsel for the State.
2. Perused the impugned judgment and orders. The applicant has been convicted for the a short term of four years for the offence punishable under Sections 325 of the Indian Penal Code and three months for the offence punishable under Sections 323 of the Indian Penal Code.
3. In view of the ratio laid down b y the Hon'ble Apex Court in ***Bhagwan Rama Shinde Gosai And Others Vs. State of Gujarat 1999*** ***DJLS (SC) 614***, (supra) the application deserves to be allowed. Hence, the following order.

ORDER

- (i) The application is allowed.
- (ii) The execution, implementation, effect and operation of the Sentence imposed upon the application by the learned Additional Sessions Judge Ambad, District Jalna for the offences punishable under Sections 325, 323 of the Indian Penal Code in Sessions Case No. 74 of 2021 dated 13th February 2023 is suspended till the conclusion of the appeal.
- (iii) The applicant be released on bail on executing of PB and SB of Rs. 50,000/- with one solvent surety of the like amount.
- (iv) Bail before the learned Additional Sessions Judge, Ambad.

(S. G. MEHARE)
JUDGE