

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

**913 CRIMINAL APPLICATION NO.3014 OF 2023
IN APEAL/725/2023**

**SHIVAJI SATWAJI BHAGDE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. C. S. Deshmukh
APP for Respondent-State: Mr. R. D. Sanap

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 31/08/2023.**

P. C. :

1. Heard rival submissions.
2. The applicant, who is original accused No.1, is seeking suspension of his substantive sentence of imprisonment for one year each for the offences punishable under Section 224 and 353 of IPC in Sessions Case No.75 of 2018.
3. The learned A.P.P. strongly opposed the application on the ground that the conviction is recorded by the learned Trial Court after considering the entire evidence on record. However, it appears that the present applicant / accused No.1 was on bail throughout the trial. Moreover, he has also paid the fine amount and learned trial Court has also released him on bail after conviction vide order dated 26.06.2023. In view of the same, following order is passed

ORDER

- (i) The application is hereby allowed and substantive sentence of imprisonment for one year each for the offence punishable under

Section 224 and 353 r.w. 34 of the Indian Penal Code imposed upon him in Sessions Case No.75 of 2018, is hereby suspended during the pendency of this appeal.

- (ii) The applicant be released on bail on execution of his P.R. & S.B. for Rs. 15,000/-each.
- (iii) Bail in lower Court.

(SANDIPKUMAR C. MORE, J.)