

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 CRIMINAL APPLICATION NO.3147 OF 2023
IN CRIMINAL REVISION APPLICATION NO. 247 OF 2023

BHIMRAO BHAGWAN KADAM
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. S. B . Bhapkar h/f.
Mr.Jadhav Kailas B.
APP for the Respondents – State : Ms. P. V. Diggikar
...

CORAM : S. G. CHAPALGAONAKAR,J.

DATE : 25.08.2023

PER COURT :-

1. Heard learned Advocate appearing for the applicant, who submits that there are good grounds in revision. The trial Court as well as the appellate Court failed to appreciate evidence on record. The applicant is young person, having no criminal antecedents, the benefit of Probation can be given in such cases.

2. He would further submit that the applicant was on bail during trial as well as during pendency of appeal and has not misused the liberty.

3. The learned APP opposes the submissions on the ground that the applicant failed to surrender even after confirmation of the conviction and sentence by appellate Court.

4. Having considered the submissions advanced, it is apparent that the applicant was on bail during trial as well as during pendency of the appeal. As far as objection raised on behalf of the learned APP that applicant has not surrendered, the issue as regards to requirement to surrender after confirmation of conviction and sentence by the appellate Court and the powers of this revisional Court to suspend sentence without surrender of accused is subject matter of reference before the Division Bench. However, till the decision of the Division Bench, the applicant needs to be given benefit of the earlier decisions enabling revisional Court to suspend sentence without surrender of the accused / applicant. Hence, following order :-

ORDER

- (i) The application is allowed.
- (ii) The pending hearing and final disposal of the criminal revision application, the applicant be released on bail subject to furnishing Personal Bond with Surety Bond of Rs. 50,000/- (Rupees Fifty Thousand only).
- (iii) Bail be furnished before the trial Court within a period of three weeks from the date of this order.
- (iv) Application is accordingly disposed off.

(S. G. CHAPALGAONKAR)
JUDGE