

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

**CRIMINAL APPLICATION NO.3400 OF 2022  
IN REVN/303/2022**

**ASHOK MADHUKAR SATWADHAR  
VERSUS  
THE STATE OF MAHARASHTRA**

...

Mrs. Kalpalata Bharaswadkar Patil, Advocate for the Applicant.  
Mr. K. S. Patil, APP for Respondents-State.

...

**CORAM : S. G. CHAPALGAONKAR, J.**

**DATED : 03<sup>rd</sup> OCTOBER, 2023.**

**PER COURT:-**

1. Heard the learned Advocate appearing for the applicant and the learned APP for the respondent-State.

2. Mrs. Bharaswadkar-Patil, learned Advocate appearing for the applicant would submit that the applicant was prosecuted in RCC No.14/2010 before the Judicial Magistrate First Class, Kaij, for the offences punishable under Section 324, 326 and 504 of the Indian Penal Code. On conclusion of the trial, the learned Magistrate convicted him for the offence punishable under Section 324 of the Indian Penal Code and sentenced to suffer simple imprisonment for one year with fine of Rs.15,000/- and in default to suffer Simple Imprisonment for two months. She would further submit that the applicant had challenged the conviction and sentence imposed by the learned Trial Court before the Additional Sessions Judge at Ambajogai in Criminal Appeal No.7/2016. However, the learned Sessions Judge pleased to dismiss the appeal vide order dated 16.09.2022. She would submit that the applicant was on bail during the trial, so also

during pendency of the appeal. He has not misused the liberty. The applicant has surrendered on 30.09.2023 and since then he is behind the bar. She would submit that there are arguable grounds in the Revision Application, which requires consideration on merits. She would point out that both the Courts below have failed to consider the age of the applicant at the time of commission of the offence, so also provisions under Probation of the Offenders Act, 1958, which could have been invoked in the facts of the case. In that view of the matter, she urges to grant bail.

3. The learned APP strongly opposes the prayer for grant of bail on the ground that both the Courts below have recorded elaborate findings after appreciation of the evidence and concluded that the applicant is guilty of the offence punishable under Section 324 of the Indian Penal Code.

4. Having considered the submissions advanced and perusal of the judgments of the Trial Court as well as the Appellate Court, it appears that in the facts and circumstances of the case the provisions of the Probation of Offenders Act, 1958 could have been considered, however, no such consideration is given by the Courts below. Hence, case is made out for grant of bail. Hence, the following order:

### **ORDER**

- (i) The Criminal Application is allowed.
- (ii) The substantive sentence dated 03.02.2016 imposed by the Judicial Magistrate First Class, (Court No.3), Kaij in R.C.C. No.14/2010 and confirmed by the Additional Sessions Judge, Amabjogai in Criminal Appeal No.7/2016 vide order dated 16.09.2022 is hereby suspended till further orders.

(iii) Meanwhile, the applicant, Ashok Madhukar Satwadhar be released on bail on furnishing P.B. and S.B. of Rs.25,000/- (Rs.Twenty Five Thousand only) each with one solvent surety of the like amount.

(iv) Bail before the Trial Court.

(v) The Criminal Application is disposed of.

**(S. G. CHAPALGAONKAR)**  
**JUDGE**