

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

952 CRIMINAL APPLICATION NO.3343 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.262 OF 2023

TEJAS SUBHSH KIRDAT
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. A.N. Barhate Patil
APP for Respondent : Mr. S.B. Narwade

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AND

CRIMINAL APPLICATION NO.3344 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.263 OF 2023

BALASAHEB SHANKAR MURME AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Ms. Sakshi A. Kale h/f A.M. Hajare
APP for Respondent: Mr. S.B. Narwade

CORAM : S. G. CHAPALGAONKAR, J.
Dated: September 05, 2023

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PER COURT :-

1. Criminal application no.3344 of 2023 in criminal revision application no.263 of 2023 is not on board. Mentioned. Taken on board.

2. Learned advocates appearing for the applicants would submit that the applicants were on bail during the trial. The trial court had sentenced the applicants to suffer R.I. for three

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months and to pay fine of Rs.1,000/- in default to suffer R.I. for one month for the offence punishable under section 323 of the IPC. The learned Trial Court also convicted the applicants and sentenced to suffer R.I. for one year and to pay fine of Rs.2,000/-, in default to suffer R.I. for two months for the offence punishable u/s 324 of the I.P.C. and both the sentences run concurrently. Appeal filed against the order of the conviction and sentence has been partly allowed and the sentence has been reduced to the imprisonment for (3) three months R.I. and fine of Rs.2,000/- for offence u/s 324 of IPC and to suffer 1 month R.I. and pay fine of Rs.1,000/- for offence u/s 323 of I.P.C. The applicants have surrendered immediately after the pronouncement of the judgment of the appellate Court and they are behind bar. Learned advocate would submit that considering the nature of the offence, benefit of the Probation of Offenders Act could have been given to the applicants. In that view of the matter, case is made out to release the applicants on bail. Hence, the order.

ORDER

i. The applicant - Tejas Subhash Kirdat in criminal application no.3343 of 2023 in criminal revision application no.262 of 2023 and the applicant no.1] Babasaheb Shankar Murme and 2] Dnyaneshwar Sheshrao Murme in criminal application no.3344 of 2023 in criminal revision application no.263 of 2023 be released on Bail on furnishing P. B. and S.B. of Rs.25,000/- (Rs.Twenty Five Thousand), each.

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ii. The Substantive part of the sentence imposed against the applicants by the Additional Chief Judicial Magistrate, Court No.4, Aurangabad in R.C.C. No.1010 of 2018 dated 3.10.2022 and modified by the learned Additional Sessions Judge, Aurangabad in Criminal Appeal no.120 of 2022 dated 1.9.2023 is hereby suspended till disposal of the criminal revision applications.

iii. Bail be furnished before the learned Trial Court.

iv. Criminal applications are accordingly disposed off.

(S. G. CHAPALGAONKAR, J.)

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