

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.3382 OF 2023
IN REVN/267/2023**

1. Ganpat S/o Yashwant Shigle
Age: 44 years, Occu: Agri,
2. Gangadhar S/o Datta Shigle
Age: 37 years, Occu: Agri,
3. Balaji S/o Datta Shigle
Age: 39 years, Occu: Agri,
4. Datta S/o Saybu Shigle
Age: 75 years, Occu: Agri,
All R/o Talegaon Tq. Umri
Dist. Nanded

..Applicants

Versus

The State of Maharashtra

..Respondent

...

Mr. U. B. Bilolikar, Advocate for the Applicants.

Mr. S. B. Narwade, APP for Respondents-State.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 14th SEPTEMBER, 2023.

PER COURT:-

1. Mr. Bilolikar, learned Advocate appearing for the applicants submits that the applicants were prosecuted for the offences punishable under Sections 325, 326, 323, 324, 504, 506 r/w 34 of the Indian Penal Code. The learned Judicial Magistrate First Class, Umri, District Nanded convicted the applicants for the aforesaid offences and sentenced them to suffer rigorous imprisonment for one year and also imposed fine of Rs.1000/-. The appeal filed against the aforesaid judgment of conviction and sentence is dismissed by the learned Additional Sessions Judge, Bhokar. The applicants have surrendered on 11.09.2023 before the Judicial Magistrate First Class, Umri. The fine amount is

deposited. He would submit that the applicants were enlarged on bail during the course of the trial. Even, they were continued on bail during pendency of the appeal. They have not misused the liberty. He would further submit that there are various arguable grounds in the Revision Application. Therefore, he urges to release the applicants on bail.

2. The learned APP strongly opposes the application.

3. Considering the submissions advanced, the following order is passed:

ORDER

(i) The Criminal Application is allowed.

(ii) Pending hearing and final disposal of the Revision Application, the effect and operation of substantive sentence under impugned judgment and order passed by the Judicial Magistrate, Umri, Dist. Nanded. in Regular Criminal Case No.92 of 2013 dated 06.08.2021, which is confirmed by Additional Sessions Judge, Bhokar in Criminal Appeal No.13/2021 dated 23.08.2023 is hereby suspended.

(iii) Meanwhile, the applicants be released on bail on executing P.B. and S.B. of Rs.25,000/- (Rs. Twenty Five Thousand only) each.

(iv) Bail be furnished before the learned Trial Court.

(S. G. CHAPALGAONKAR)
JUDGE