

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

949 CRIMINAL APPLICATION NO.3406 OF 2023
IN

CRIMINAL REVISION APPLICATION NO.270 OF 2023

1.MOHAMMAD IRFAN S/O MOHAMMAD IBRAHIM,
2. ABDUL JAVED s/o ABDUL KHALID.
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. S.S. Jadhavar
APP for Respondent : Mr. S.P. Deshmukh

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CORAM : S. G. CHAPALGAONKAR, J.
Dated : September 26, 2023

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PER COURT :-

1. Heard.

2. Mr. Jadhavar, learned advocate for the applicants would submit that the applicants were convicted by order of the J.M.F.C. Bhokar dated 31.3.2021 for the offence punishable under section 9A of the Maharashtra Animal Preservation Act, 1976 read with Maharashtra Animal Preservation (Amendment) Act, 2015 alleging contravention of Section 5C and sentenced to suffer R.I. for six months, each. He would submit that the applicants preferred an appeal before the Sessions Court at Bhokar. The learned Additional Sessions Judge, Bhokar dismissed the appeal vide order dated 3.8.2023 and given directions to issue conviction warrant against the applicants. The applicants have accordingly surrendered before the learned J.M.F.C., and they are behind bar. Mr.

aaa/-

Jadhavar would further submit that there are arguable grounds in the revision. Both the Courts below have failed to appreciate the facts as well as legal position and passed erroneous orders. He would submit that the applicants were on bail during trial so also pendency of appeal and they have not misused said liberty.

3. Learned APP opposes the prayer for grant of bail on the ground that both the Courts have recorded sufficient reasons for conviction.

4. Considering the submissions advanced and the fact that the applicants were on bail during the trial as well as during the appeal, case is made out for grant of bail. Hence, the order.

ORDER

- i. The application is allowed.
- ii. The substantive part of sentence imposed against the applicants by the J.M.F.C. Bhokar in RCC No. 13 of 2021 and confirmed by the Additional Sessions Judge, Bhokar in Cri. Appeal No.11 of 2021 shall remain suspended, till further orders.
- iii. The applicants be released on bail on their furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty thousand) by each of them.

(S. G. CHAPALGAONKAR, J.)

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