

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

**918 CRIMINAL APPLICATION NO.3480 OF 2023
IN APEAL/839/2023**

**DEVENDRA PANDURANG PATIL
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. Harshal Prakash Randhir
APP for Respondent -State: Mr. R. D. Sanap

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 18/10/2023.**

P. C. :

1. Heard rival submissions.
2. The applicant, who is original accused in Sessions Case No.40 of 2022, is seeking suspension of his substantive sentence of imprisonment for the offence punishable under various sections of IPC namely Section 436, 448, 427 and 342. The maximum sentence of imprisonment is of 6 years.
3. The learned counsel for the applicant submitted that the applicant / accused was on bail throughout the trial and he is involved in the crime merely on suspicion and due to strained relations between himself and the informant on account of marital discord between her sister and son of the informant.
4. On the contrary, the learned A.P.P. as well as the learned counsel for the informant assisting learned APP, strongly opposed the application on the ground that the conviction is recorded by the

learned Trial Court after considering the entire evidence on record and there is prima facie material against the present applicant about his involvement in the crime. However, it appears that the present applicant / accused was on bail throughout the trial. Moreover, he has also paid the fine amount. In view of the same and considering the quantum of sentence of imprisonment, following order is passed

ORDER

- (i) The application is hereby allowed and substantive sentence of imprisonment awarded by the learned Additional Sessions Judge, Amalner in Sessions Case No. 40 of 2022 to the present applicant / accused under judgment and order dated 06/09/2023, is hereby suspended during the pendency of this appeal.
- (ii) The applicant be released on bail on execution of his P.R. bond of Rs.25,000/- and one or more solvent sureties in the like amount
- (ii) Bail in lower Court.
- (iii) Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)