

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 CRIMINAL APPLICATION NO.3486 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 276 OF 2023

ABASAHEB DEVRAO GOBARE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shaikh Mazhar A. Jahagirdar
APP for the Respondent – State : Ms.P. V. Diggikar
...

CORAM : S. G. CHAPALGAONAKAR,J.

DATE : 13.09.2023

PER COURT :-

1. By this application, the applicant seeks suspension of the substantive sentence imposed by learned Judicial Magistrate First Class, Shevgaon, District Ahmednagar in RCC No. 05 of 2011, by which the applicant has been convicted for the offence punishable under Section 354 of the Indian Penal Code and directed to undergo sentence of one year rigorous imprisonment with fine of Rs.2500/-, so also rigorous imprisonment for one month and fine of Rs.1500/- for offence punishable under Section 451 of the Indian Penal Code which is confirmed in Criminal Appeal No.98/2014 by the learned Sessions Judge, Ahmednagar vide order dated 05.09.2023.

2. Mr. Jahagirdar, learned Advocate appearing for the applicant would submit that applicant was on bail during the trial so also during

pendency of the appeal, he has not misused the liberty. There are arguable grounds in appeal, which requires further consideration. The applicant has surrendered after confirmation of the conviction and sentence by the appellate Court on 05.09.2023 and he is presently behind the bar. Considering submissions and grounds raised in revision application, case is made out for release of applicant on bail. Hence following order :-

ORDER

- (i) The application is allowed.
- (ii) The substantive part of sentence imposed by the Judicial Magistrate First Class, Shevgaon, District Ahmednagar in RCC No. 05/2011 and confirmed in Criminal Appeal No.98/2014 by the learned Sessions Judge, Ahmednagar vide order dated 05.09.2023 stands suspended till the disposal of this criminal revision application.
- (iii) Pending hearing and final disposal of this criminal revision application, the applicant be released on bail on his furnishing P.B and S.B. of Rs. 25,000/- (Rs. Twenty Five Thousand).
- (iv) Bail be furnished before the trial Court.
- (v) Application is accordingly disposed of.

(S. G. CHAPALGAONKAR)
JUDGE