

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

945 CRIMINAL APPLICATION NO.3519 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.280 OF 2023

DATTA KAUTIK NIKAM
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent : Mr. K.S. Patil

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: September 15, 2023

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ORDER :-

1. Heard learned advocate appearing for the applicant and the learned APP for the respondent State.

2. Mr. Ghanekar, learned advocate appearing for the applicant submits that by order dated 20.9.2021 the learned Judicial Magistrate First Class, Aurangabad was pleased to convict the applicant for the offence punishable under section 354 of the Indian Penal Code and sentenced to suffer R.I. for one year and to pay fine of Rs.2,000/- in default to suffer RI 20 days. The applicant was also sentenced to suffer SI for one month and to pay fine of Rs1,000/-, i/d to suffer SI for 15 days for the offence punishable u/s 324 of the IPC. The applicant preferred appeal before the Sessions Court, at Aurangabad. However, said appeal came to be dismissed on 12.9.2023. Mr. Ghanekar would further submit that the applicant was present in the Court at the time of the pronouncement of the judgment

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by the appellate court and accordingly he is taken into custody and since then he is behind bar. Learned counsel would also submit that there are arguable grounds, which require consideration in detail. This Court has already issued notice on revision application. In that view of the matter and the fact that the applicant was on bail during trial so also during pendency of the appeal and he has not misused the said liberty, case is made out for grant of bail. Hence, the order.

ORDER

- (i) The Criminal Application is allowed.
- (ii) The substantive part of the sentence passed against the applicant vide impugned judgment and order passed by Judicial Magistrate, First Class, (Court No.17), Aurangabad, in RC.C. No.1816 of 2017, dated 20.09.2021 and confirmed in appeal No.51 of 2021 is hereby suspended till disposal of this criminal revision application.
- (iii) Pending the hearing and final disposal of Criminal Revision Application No.280 of 2023, the applicant Datta Kautik Nikam 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 learned Trial Court.
- (v) Application is accordingly disposed off.
- (vi) Parties to act on an authenticated copy of this order.

(S. G. CHAPALGAONKAR, J.)

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