

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

**CRIMINAL APPLICATION NO.3663 OF 2023
IN REVN/292/2023 WITH REVN/292/2023**

**KAUTIK SANTOSH ZOND
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Mr. A. S. Tilve, Advocate for the Applicant.

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

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 27th SEPTEMBER, 2023.

PER COURT:-

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

2. Mr. Tilve, learned Advocate appearing for the applicant would submit that the applicant was charge-sheeted for the offences punishable under Section 354-A of the Indian Penal Code. After full-fledged trial, the learned Judicial Magistrate First Class, Aurangabad was pleased to acquit the applicant. However, the original complainant had preferred Criminal Appeal No.98/2018 before the learned Sessions Judge at Aurangabad. The learned Sessions Judge vide impugned order dated 07.09.2023 is pleased to convict the applicant and sentenced him to suffer R.I. for one year and fine of Rs.5000/-.

3. He would submit that the learned JMFC, Aurangabad on appreciation of evidence was pleased to acquit the applicant.

However, the acquittal has been reversed by the learned Sessions Judge on erroneous grounds.

4. Considering the submissions advanced and upon perusal of reasoning adopted by the Sessions Court, it appears that, there are arguable points in the Revision Application. The applicant was on bail during the trial. He had not misused the liberty granted. Even, after conviction he has surrendered on 07.09.2023. Since then, he is behind the bar. The fine amount is already deposited. In that view of the matter, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Criminal Application is allowed.
- (ii) The substantive sentence dated 07.09.2023 imposed by the learned Sessions Court, Aurangabad in Criminal Appeal No.98/2018 for the offence punishable under Sections 354-A of the Indian Penal Code shall remain suspended till further order.
- (iii) Meanwhile, the applicant, Kautik Santosh Zond be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each with one solvent surety of the like amount.
- (iv) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE