

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

943 CRIMINAL APPLICATION NO.3700 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.296/2023

BAPURAO RAMA YELLALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Patale Amol N
APP for Respondents: Mr. K.S. Patil

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: October 11, 2023

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PER COURT :-

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

2. Mr. Patale, learned advocate submits that the applicant was prosecuted before the JMFC, Nanded in RCC No.289 of 2010 for the offence punishable u/s 354, 452 r/w 34 of the IPC. On trial, learned Magistrate convicted the applicant for the offence punishable u/s 354, 452, 34 of the IPC and sentenced to suffer S.I. for one year and to pay fine of Rs.500/-, in default to suffer S.I. for one month. Learned advocate for the applicant submits that against the order of conviction dated 11.1.2016 criminal appeal no.10 of 2016 was filed before the Sessions Court, at Nanded. However said appeal came to be dismissed vide order dated 20.6.2023. He would submit that the Trial court as well as the appellate court ignored the material contradictions and omissions in the

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statement of the witnesses so also failed to appreciate the defence of the applicant. He would submit that there are arguable grounds in the revision application, which needs consideration on merit.

3. Learned APP opposes prayer on the ground that both the Courts have appreciated the evidence on record and recorded finding affirming the guilt of the applicant.

4. Having considered the submissions advanced and on perusal of the orders passed by the Sessions Court as well as the trial court, it can be gathered that there are arguable grounds, which needs consideration on merit. The applicant was on bail during trial so also during pendency of the appeal. He has not misused liberty. The applicant surrendered immediately after confirmation of the conviction and sentence by the appellate court. In that view of the matter, case is made out for grant of bail. Hence, the order.

O R D E R

- i. Application allowed.
- ii. The substantive sentence imposed by the J.M.F.C., Nanded in RCC No.289 of 2010 for the offence punishable u/s 354, 452 r/w 34 of the IPC and confirmed by the Additional Sessions Judge, Nanded in Criminal Appeal No.10 of 2016 shall remain suspended till disposal of the revision application.

- iii. Meanwhile, the applicant be released on bail on his executing P.B. and S.B. of Rs.25,000/- (Rs. Twenty Five thousand).
- iv. Bail before the trial court.
- iv. Application is accordingly disposed off.

(S. G. CHAPALGAONKAR, J.)
