

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3853 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.316 OF 2023

Manoj @ Ankush Shivaji Balasaheb Kate Applicant

Versus

The State of Maharashtra Respondent

.....
Mr. Anil M. Gaikwad, Advocate for Applicant
Mr. S.P. Deshmukh, APP for Respondent-State
.....

[CORAM : S. G. CHAPALGAONKAR, J.]

DATE : 19th OCTOBER, 2023

ORDER :

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

2. Mr. Gaikwad, learned Advocate appearing for the applicant would submit that the applicant has been prosecuted in S.C.C. No.610 of 2023 before the Judicial Magistrate, First Class, Kallam for the offences punishable under Sections 279, 338, 304-A of the Indian Penal Code and Sections 128/177, 184 of Motor Vehicles Act. After having full-fledged trial, the learned Magistrate convicted the applicant for the aforesaid offences and imposed cumulative sentence for three months. He would submit that the applicant preferred Criminal Appeal No.4 of 2023 before the Sessions Court at Kallam. However, his appeal came to be dismissed by judgment and order dated

11.10.2023, thereby confirming the conviction and sentence as imposed by the learned Magistrate.

3. Mr. Gaikwad, invite attention of this Court to the findings and reasons recorded by the Courts below, and submit that there are arguable grounds in the revision, which require consideration.

4. Learned APP opposes the prayer for grant of bail, contending that both the Courts have recorded concurrent findings based on evidence on record, which do not call interference in revisional jurisdiction of this Court, therefore prayer for grant of bail may not be considered.

5. Having considered the submissions advanced, and after going through the reasoning adopted by the Trial Court as well as the Appellate Court, it appears that, there are arguable points, which require consideration in detail. Further, the applicant was on bail during the trial as well as during pendency of the appeal, and he has not misused the liberty. He surrendered immediately on 11.10.2023 on confirmation of conviction and sentence. In that view of the matter, the case is made out for grant of bail. Hence, the order:

ORDER

(i) The Criminal Application is allowed.

(ii) Pending the hearing and final disposal of Criminal Revision Application No.316 of 2023, substantive sentence imposed by the learned Judicial Magistrate First, Kallam in S.C.C. No. 610 of 2013 for the offences punishable under

Sections 279, 338, 304-A of the Indian Penal Code and Sections 128/177, 184 of Motor Vehicles Act, which is confirmed in Criminal Appeal No.4 of 2023 by the learned Sessions Judge, Kallam is hereby suspended.

(ii) Meanwhile, the applicant/accused be released on bail on executing P.B. and S.B. of Rs.25,000/- (Rs. Twenty Five Thousand Only).

(iv) Bail before the Trial Court.

(v) Application is accordingly disposed of.

[S. G. CHAPALGAONKAR]
JUDGE

S.P. Rane