

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

**CRIMINAL APPLICATION NO.3920 OF 2023
IN REVN/323/2023**

1. Gawalanbai w/o Raosaheb Sanap
Age-58 years, Occupation-Agriculture,
R/o. Sanapwadi, Tq. & Dist.Beed.
2. Santosh s/o. Raosaheb Sanap
Age-30 years, Occupation-Agriculture,
R/o. Sanapwadi, Tq. & Dist.Beed. ..Applicants

Versus

The State of Maharashtra,
Through D.G.P. Office, Beed ..Respondent

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Mr. S. E. Shekade, Advocate for the Applicants.
Mr. S. P. Deshmukh, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 25th OCTOBER, 2023.**

PER COURT:-

1. Heard Mr. Shekade, learned Advocate appearing for the applicants and learned APP for the respondent-State.

2. Mr. Shekade, learned Advocate appearing for the applicants would submit that the applicants are prosecuted in Regular Criminal Case No.498/2014 for the offences punishable under Section 326, 324, 323, 447, 504, 506 read with 34 of the Indian Penal Code. On conclusion of this trial learned Judicial Magistrate First Class, Beed sentenced the applicants to suffer R.I. for 2 years. The aforesaid order of conviction and sentence was subjected to the challenge in Criminal Appeal No.12/2021 before the Sessions Judge, Beed. The learned Sessions Judge vide

his order dated 10.10.2023 partly allowed the appeal and modified the sentence to 18 months as against 2 years imposed by the learned JMFC, Beed. Mr. Shekade, learned Advocate would invite attention of this Court to the reasoning adopted by the Courts below and submit that there are arguable grounds, which requires consideration after perusal of the record.

3. Having considered submissions advanced and upon going through the reasoning adopted by the Trial Court as well as Appellate Court it appears that there are good grounds in Revision Application, which requires consideration in detail after perusal of record. Pertinently, the applicants were on bail during the trial, so also during the pendency of the appeal. They have not misused the liberty. After confirmation of the conviction and sentence by the Sessions Court, they surrendered and since then, they are behind the bar. Hence, case is made out for suspension of sentence and grant of bail. Hence, the following order:

ORDER

- (i) The Criminal Application is allowed.
- (ii) Pending hearing and final disposal of the Revision Application, the substantive sentence imposed by the 5th Judicial Magistrate, First Class, Beed in Regular Criminal Case No.498/2014 dated 18.02.2021 and modified by the Sessions Judge, Beed in Criminal Appeal No.12/2021 dated 10.10.2023 is hereby suspended till further orders.
- (iii) Meanwhile, the applicants, Gawalanbai w/o Raosaheb Sanap and Santosh s/o. Raosaheb Sanap 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) Bail before the Trial Court.
- (v) The Criminal Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/October-2023