

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 CRIMINAL APPLICATION NO. 3922 OF 2023
IN CRIMINAL APPEAL NO. 1012 OF 2023

AKASH VILAS UNDARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. S.G. Kawade – Advocate for Applicants
Mr. R.D. Sanap – APP for Respondent, State
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 27th October, 2023

PER COURT :

1. Heard.
2. Issue notice to respondent.
3. Learned A.P.P. waives service of notice for sole respondent, State.
4. Heard rival submissions.
5. All the applicants who are convicted by the learned Trial Court i.e. Learned Additional Sessions Judge, Bhoom for the offence punishable under Section 304 – B, 306 and 498 – A of

the Indian Penal Code in Sessions Case No.54 of 2021 under judgment and order dated 20th October, 2023. All of them are sentenced to suffer R.I. for 7, 5 and 1 years respectively for the aforesaid charge. Fine is also imposed upon them.

6. Learned Counsel for the applicants submits that, all the applicants – accused are on bail during the trial and after conviction they have already deposited the fine amounts. According to him, the learned Trial Court did not consider that the married sisters-in-law were in fact residing in the house of their respective husbands. Moreover, all the applicants during the trial did not misuse their liberty.

7. On the contrary, learned A.P.P. strongly opposed the application on the ground that, the learned Trial Court on proper evaluation of the evidence has rightly convicted the applicants – accused.

8. However, the applicants were already on bail during the pendency of the trial before the Trial Court. They have already deposited the fine amounts and, therefore, considering the quantum of imprisonment following order is passed :-

ORDER

- (a) Application is hereby allowed.
- (b) The substantial sentences of imprisonment awarded to present applicants by the learned Additional Sessions Judge, Bhoom in Sessions Case No. 54 of 2021 on 20.10.2023 are hereby suspended during the pendency of this appeal and the applicants are released on execution of their P.R. bond of Rs. 25,000/- (rupees twenty five thousands only) each with one or more solvent sureties in the like amount.
- (c) Bail in lower Court.
- (d) Criminal Application is accordingly disposed of.

**[SANDIPKUMAR C. MORE]
JUDGE**