



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.4309 OF 2023
IN REVN/355/2023**

1. Sunil Kashinath Deore,
Age:- 44 years, Occu:- Agriculture,
R/o. Jamadi Tq. Kannad, Dist. Aurangabad.
2. Dinkar Gangadhar Jadhav,
Age:- 42 years, Occu:- Agriculture,
R/o. Ganeshpur, Tq. Kannad, Dist. Aurangabad.
3. Kalyan Gangadhar Jadhav,
Age:- 26 years, Occu:- Agriculture,
R/o. Ganeshpur, Tq. Kannad, Dist. Aurangabad.
4. Gangadhar Sandu Jadhav,
Age:- 54 years, Occu:- Agriculture,
R/o. Ganeshpur, Tq. Kannad, Dist. Aurangabad.
5. Sindhubai Gangadhar Jadhav,
Age:- 49 years, Occu:- Agriculture,
R/o. Ganeshpur, Tq. Kannad, Dist. Aurangabad.
6. Sangitabai Sunil Deore,
Age:- 29 years, Occu:- Agriculture,
R/o. Jamadi Tq. Kannad, Dist. Aurangabad. ..Applicants

Versus

The State of Maharashtra,
Through: Pishor Police Station,
Tq. Kannad, Dist. Aurangabad. ..Respondent

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Mr. R. V. Gore, Advocate for the Applicants.
Mr. S. A. Gaikwad, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 04th DECEMBER, 2023.**

PER COURT:-

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

2. Mr. Gore, learned Advocate appearing for the applicants submits that the applicants were prosecuted in RCC No.267/2008 for the offences punishable under Sections 143, 147, 148, 149, 326, 323 and Section 504 of the Indian Penal Code. On conclusion of the trial, they were convicted for aforesaid offences and sentenced for imprisonment of three years. The Criminal Appeal No.108/2018 filed against conviction and sentence has been dismissed vide order dated 28.11.2023. He would submit that the Courts below have failed to appreciate the evidence on record in its proper perspective, so also defences raised on behalf of the applicant/accused persons. He would submit that considering the nature of the dispute, benefit under Section 4 of the Probation of Offenders Act would have been given. However, this aspect is missed from consideration by both the Courts. Therefore, he urges to release the applicant on bail pending hearing and final disposal of the Criminal Revision Application.

3. The learned APP opposes the prayer. He would submit that both the Courts below have concurrently held the applicants to be guilty for the aforesaid offences and sentenced to suffer imprisonment. He would submit that the Revision Application itself can be taken up for final consideration after receipt of the Record and Proceedings.

4. Having considered submissions advanced and on perusal of reasoning adopted by the Trial Court as well as Appellate Court, it appears that, there are reasonable grounds which require consideration after perusal of the Record and Proceedings. The applicants were on bail during the trial, so also they were enlarged on bail during the pendency of the appeal. The applicants have not misused the liberty. In that view of the matter, case is made out for grant of bail, pending hearing and

final disposal of the Criminal Revision Application. 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 JMFC Kannad, Tq. Kannad, Dist.Aurangabad in RCC No. 267/2008 dated 06.06.2018 and confirmed by the learned Additional Sessions Judge at Aurangabad in Criminal Appeal No.108/2018 dated 28.11.2023 is hereby suspended till further orders.
- (iii) Meanwhile, the applicants, Sunil Kashinath Deore, Dinkar Gangadhar Jadhav, Kalyan Gangadhar Jadhav, Gangadhar Sandu Jadhav, Sindhubai Gangadhar Jadhav and Sangitabai Sunil Deore, 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