

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

**944 CRIMINAL APPLICATION NO.4356 OF 2023  
IN REVN/359/2023**

**RUSHIKESH SHRIHARI MAHANOR AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. V.P. Savant  
APP for Respondent : Mr. A.S. Shinde

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CORAM : S. G. CHAPALGAONKAR, J.  
Dated: December 06, 2023

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**PER COURT :-**

1. Mr. Savant learned advocate appearing for applicants submit that applicants were subjected to trial in RCC No.195 of 2016 before learned Magistrate. On conclusion of trial, they have been convicted for offence punishable under section 394 of Indian Penal Code and sentenced to suffer RI for three years and fine of Rs.1,000/- each. He would submit that fine amount is deposited. Appeal was preferred before Sessions Court vide Criminal Appeal No.30 of 2017. However it came to be dismissed. Mr. Savant would submit that applicants have undergone almost 10 months of incarceration. During pendency of appeal, applicants were released on bail. Applicants have not misused liberty. He would submit that both Courts have failed to appreciate the evidence on record so also defence raised on behalf of the accused in it's proper perspective. There are arguable grounds in revision application. As such he urges to release applicants on bail.

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2. Mr. Shinde, learned APP strongly opposes the prayer for grant of bail. He would submit that both Courts have concurrently held applicants to be guilty for the offence punishable u/s 394 of the IPC. The findings recorded by the courts are based on appreciation of the evidence. There are no grounds in revision application. He would submit that record and proceeding may be called and revision application may be decided finally at the stage of admission.

3. Having considered submissions advanced and after going through the reasoning adopted by learned Courts below, it appears that there are reasonable grounds which needs to be considered after perusal of record and proceeding. Further, the applicants were on bail during pendency of appeal. They have immediately surrendered after dismissal of appeal and presently behind the bar. In that view of the matter case is made out for grant of bail. Hence, the following order.

#### **ORDER**

- i. Criminal Application is allowed.
- ii. Pending hearing and final disposal of this revision application, the applicants be enlarged on bail on their executing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand) each.
- iii. Meanwhile, the substantive sentence imposed by Judicial Magistrate First Class, Georai in RCC No.195 of 2016 and confirmed by the learned Additional Sessions Judge, Beed Court in

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Criminal Appeal No.30 of 2017 shall remain suspended till further orders.

iv. Bail before trial Court.

( S. G. CHAPALGAONKAR, J. )

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