



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 4480 OF 2023
IN REVN/372/2023**

**RAVANATH SUBHASH SHINDE
VERSUS
THE STATE OF MAHARASHTRA**

...

Mr. N. S. Ghanekar, Advocate for the Applicant.
Mr. A. S. Shinde, APP for Respondents-State.

...

**WITH
CRIMINAL APPLICATION NO.4491 OF 2023
IN REVN/370/2023**

**MACHINDRA KASHINATH RITHE
VS
THE STATE OF MAHARASHTRA**

AND

**CRIMINAL APPLICATION NO.4492 OF 2023
IN REVN/371/2023**

**PADMABAI @ KACHARABAI W/O KASHINATH RITHE
VS
THE STATE OF MAHARASHTRA**

...

Mr. Swapnil B. Joshi, Mr. Chetan B. Chaudhari h/f. M/s. J. P
Legal Associates, Advocate for the Applicant.
Mr. A. S. Shinde, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 14th DECEMBER, 2023.**

PER COURT:-

1. Heard the learned Advocates appearing for the applicants and Mr. Shinde, learned APP for the respondent-State.
2. The learned Advocates appearing for the applicants would submit that the applicants were put on trial for the offence punishable under Section 420, 460, 471 r/w 34 of the Indian Penal Code in R.C.C. No.533/2008 before the Judicial Magistrate First

Class, Court No.7, Aurangabad. On conclusion of the trial, the applicants were convicted for the offence punishable under Section 468 of the Indian Penal Code and sentenced to suffer R.I. for two years. However, they were acquitted for the offences punishable under Sections 420, 471 of the Indian Penal Code.

3. The order dated 28.11.2016 passed by the Judicial Magistrate First Class, Court No.7, Aurangabad in R.C.C. No.533/2008 was subjected to appeal by the applicants/accused as well as the complainant. Both the Appeals were taken together. After hearing the Appeals, the learned Sessions Judge allowed the Appeal filed by the complainant and convicted applicants for offences under Sections 420, 468 and 471 and sentenced to suffer R.I. for three years for offence punishable under Section 468 of the Indian Penal Code and sentenced to suffer R.I. for two years for the offences punishable under Sections 420 and 471 of the Indian Penal Code. They would submit that the applicants have deposited the fine amount in terms of the order under Appeal. By inviting attention of this Court towards the findings recorded by the Appellate Court, they would submit that there are several arguable ground, which requires consideration after calling for Record and Proceedings. They would further point out that applicants were on bail during the trial, so also in Appeal and applicants have not misused the liberty. They have been taken into custody immediately after order of Appellate Court. They would, therefore, submit that applicants be enlarged on bail.

4. The learned APP strongly opposes the prayer. He would submit that the applicants were convicted for offence punishable under Section 468 of the India Penal Code by the Trial Court and same is confirmed by the Appellate Court. In addition, the Appellate Court found applicants to be guilty for the offences

punishable under Sections 420 and 471 of the Indian Penal Code. He would, therefore, urge that Record and Proceedings be called and matter itself be considered for the admission/hearing.

5. Having considered submissions advanced and after going through the reasons adopted by the Appellate Court, it appears that, there are reasonable grounds, which requires consideration in detail. The Record and Proceeding is already called for. Considering the conduct of the applicants and the fact that they were on bail during the trial as well as in Appeal, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) The Criminal Applications are allowed.
- (ii) Pending hearing and final disposal of the Revision Application, the substantive sentence imposed by the Judicial Magistrate First Class, Court No.7, Aurangabad in Regular Criminal Case No.533/2008 dated 28.11.2016 and modified by the learned Additional Sessions, Aurangabad in Criminal Appeal No.190/2016 and 197/2016 dated 12.12.2023 is hereby suspended till further orders.
- (iii) Meanwhile, the applicants, Revanath S/o Subhash Shinde, Machindra S/o Kashinath Rithe and Padmabai @ Kachrabai W/o Kashinath Rithe 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 Applications are disposed of.

(S. G. CHAPALGAONKAR)
JUDGE