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CRI APPLN 575 OF 2024

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

**CRIMINAL APPLICATION NO. 575 OF 2024
IN APPEAL/121/2024**

Ramanand Vaijinath Jadhav
Age: 33 years, Occu.: Agri.,
Gumphawadi, Tq. & Dist.Latur.

....Applicant

Versus

The State of Maharashtra
Through Police Station Murud,
Dist.Latur.

.....Respondent

.....
Advocate for Applicant : Mr. Manoj Dharmaraj Shinde
APP for Respondent : Mr.S.M.Ganachari

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 16 FEBRUARY, 2024

ORDER :-

1. This is an application for suspension of sentence and grant of bail on account of conviction recorded by the learned Additional Sessions Judge-4, Latur in Sessions Case No.40 of 2021 for offence under Sections 353, 354 of the Indian Penal Code (IPC).

2. Learned Counsel for the applicant pointed out that applicant was tried for offence under Sections 341, 353, 354,

332, 504 and 506 of the IPC by the learned Additional Sessions Judge and is held guilty for offence under Sections 353 and 354 of the IPC by judgment and order dated 26-12-2023. According to him, case was not proved beyond reasonable doubt. That there was no wrongful restraint or criminal force as alleged. That there was no intention to outrage modesty. However, learned trial Judge has accepted the case of prosecution without assigning proper reasons. According to him, punishment is only for one year. It is submitted that the said judgment is taken exception to by the applicant by filing appeal. However, as much more time is required to hear and decide appeal, he prays for relief of suspension of sentence and grant of bail.

3. While opposing the application, learned APP submitted that informant was Bus-Conductor. That occurrence is of 23-09-2013. That there are allegations that accused abused Bus-Driver and also questioned informant, Lady Bus-Conductor and also misbehaved by catching hold of her hand. Therefore, crime was registered and after investigation, he was tried and also found guilty by the learned trial Judge. Thus, he opposes

for relief of suspension of sentence and grant of bail.

4. It seems that on the information given by one Lady Bus-Conductor, crime was registered by Murud Police Station, Dist.Latur, bearing no.79 of 2013 for the aforesaid offences. It seems that after appreciating evidence of four witnesses, learned trial Judge held offence as proved and applicant is convicted for the offence under Sections 353 and 354 of the IPC.

5. It is pointed out that during the trial, accused was on bail. Judgment of the trial Court is of December, 2023 and appeal seems to have been filed.

6. Taking into consideration quantum of punishment and as much more time is required to hear and decide appeal, relief as prayed deserves to be granted. Accordingly, I proceed to pass following order :

ORDER

(I) Criminal Application stands allowed.

(II) The substantive sentence imposed on the applicant in Sessions Case No.40 of 2021 by the Additional Sessions Judge-4, Latur on 26-12-2023 stands suspended till the final hearing and disposal of Criminal Appeal No.121 of 2024.

(III) The applicant Ramanand Vaijinath Jadhav be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) with two solvent sureties in the like amount.

(IV) The applicant shall not commit any criminal activity.

(V) The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.

(VI) In case of two consecutive defaults on the part of the applicant to remain present before the trial Court, the trial Court to inform this Court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicant.

(VII) Bail before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE