



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 CRIMINAL APPLICATION NO. 906 OF 2024
IN APPEAL/207/2024

Vyankat S/o Raosaheb Ugale
Age: 40 years, Occu.: Agri.,
R/o. Palwan, Beed, Tq. & Dist.Beed. ..Applicant

Versus

The State of Maharashtra
Through Beed City Police Station,
Tq. & Dist.Beed. ..Respondent

...
Advocate for Applicant : Mr. Vilas P. Savant
APP for Respondent : Mr.N.D.Batule

...
CORAM : ABHAY S. WAGHWASE, J.

DATE : 11 MARCH, 2024

PER COURT :-

1. This is an application for suspension of sentence and grant of bail by virtue of judgment and order dated 01-12-2023 passed by learned Sessions Judge, Beed in Sessions Case No.145 of 2023.

2. Learned Counsel for the applicant submits that though applicant was tried for offence under Sections 353 and 332 of the Indian Penal Code, there is composite sentence of rigorous imprisonment awarded for two years. That accused was tried as under trial prisoner. He is still behind bars. According to learned

Counsel, as much more time would be required to hear and decide appeal, he seeks relief of suspension of sentence and grant of bail during pendency of appeal.

3. Learned APP strongly opposes the application pointing out that in this case victim is a Nurse. He submits that applicant gave fist blows on mouth of victim causing CLW. That there is an eye witness account. Therefore, he prays for rejection of the application.

4. Heard both the sides. Perused the record. Considering the circumstances in which incident took place, quantum of sentence and the fact that appeal has been preferred recently, much more time would be 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 in terms of prayer clause "B".
- (ii) The substantive sentence imposed on the applicant Vyankat Raosaheb Ugale in Session Case No.145 of 2023 by the learned Sessions Judge, on 01.12.2023 stands suspended till the final hearing and disposal of Criminal Appeal No.207 of 2024.

- (iii) The applicant 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