



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

**923 CRIMINAL APPLICATION NO. 938 OF 2024
IN APPEAL/198/2024**

. Yasin Umrav Shaikh Patel
Age: 59 years, Occu.: Labour,
R/o. Ranjani, Tq.Kallam,
Dist.Osmanabad.Applicant
(Ori. Accused)

Versus

1. The State of Maharashtra
Through Police Station, Shiradhon,
Tq.Kallm & Dist.Osmanabad.
2. Kerabai w/o. Motiram Sonparkhe
Age: 70 years, Occu.: Household,
R/o. Ranjani, At.Post.Ranjani Mohalla,
Tq.Kallam, Dist.Osmanabad.Respondents

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Advocate for Applicant : Mr. Vikas G. Kodale
APP for Respondent no.1 : Mrs.Chaitali Choudhari - Kutti
Advocate for Respondent no.2 : Mr.Jitendra S. Jain (appointed)
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 21 MARCH, 2024

ORDER :-

1. Here is an application for suspension of sentence and grant of bail as a result of conviction recorded by learned Special Judge, Kallam, Dist.Osmanabad in Special Case No.37 of 2023.

2. Learned Counsel for the applicant submitted that present applicant was prosecuted by State on accusation of commission of offence under Sections 354, 354(A), 337, 323, 504, 506 of the Indian Penal Code (IPC) and under Sections 3(1)(r)(s), 3(2)(va), 3(1)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short "Atrocities Act"). He further pointed out that by judgment and order dated 05-02-2024, learned trial Court has held accused appellant guilty but only for offences under Sections 323, 354(A) and under Sections 3(2)(va), 3(1)(w)(i)(ii), 3(1)(r)(s) of the Atrocities Act. That sentence awarded is for one year for each of the offences and to pay fine. That there is acquittal from charge under Sections 354, 337, 504, 506 of the IPC. Resultantly, it is his submission that considering the quantum of sentence and the fact that appeal is filed in 2024, which would take long time to be heard, sentence be suspended and bail be granted during pendency of appeal.

3. Both learned APP for respondent no.1 as well as learned Counsel appointed for respondent no.2 opposed the application

on the ground that conviction is recorded for serious offence including offence under provisions of the Atrocities Act

4. After considering the submissions so advanced and on going through the copy of judgment and order passed by learned Special Judge dated 05-02-2024, it is apparent that as submitted conviction is recorded for offence under Sections 323 354(A) of the IPC and under Sections 3(2)(va), 3(1)(w)(i)(ii), 3(1)(r)(s) of the Atrocities Act. For each of the offences, sentence awarded seems to be of one year and to pay fine. Considering such quantum of sentence and the fact that appeal filed in 2024 would take long time to be heard and decided, 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 by the learned Special Judge, Kallam, Dist.Osmanabad in Special Case No.37 of 2023 on 05-02-2024 stands suspended till the final hearing and disposal of Criminal Appeal No.198 of 2024.

(III) The applicant Yasin Umrav Shaikh @ Patel be released on PR. Bond of Rs.25,000/- (Rs. Twenty-five 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