



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

**CRIMINAL APPLICATION NO. 1012 OF 2024
IN APPEAL/223/2024**

1. Ushabai W/o Machindra Jadhav
Age: 60 years, Occu.: Agri. & Household
 2. Kailas S/o. Machindra Jadhav
Age: 41 years, Occu.: Agri.
 3. Vijay S/o. Machindra Jadhav
Age: 33 years, Occu.: Agri.
- All R/o. Nimgaon Wagha,
Tq. & Dist.Ahmednagar.

..Applicants
(Ori. Accused)

Versus

1. The State of Maharashtra
2. Sagar S/o. Dhondibhau Kedar
Age: 24 years, Occu.: Agri.,
R/o. Nimgaon Wagha,
Tq. & Dist.Ahmednagar.

..Respondents

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Advocate for Applicant : Mr. Narayan B. Narwade

APP for Respondent no.1 : Mr.N.D.Batule

Advocate for Respondent no.2 : Mr. Ravindra B.Narvade Patil
(appointed Through Legal Aid)

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 25 APRIL, 2024

ORDER :-

1. This is an application for suspension of sentence awarded by learned Additional Sessions Judge, Ahmednagar in Sessions Case No.226 of 2021 by judgment and order dated 16-02-2024.
2. Learned Counsel for the applicants submitted that accused

applicants were chargesheeted for offence under Sections 325, 323, 504, 506 of the Indian Penal Code (IPC) and under Section 3(1)(r)(s), 3(2)(v-a) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (for short "SC and ST Act). He further submitted that there is false implication. That the incident occurred all of a sudden and is a fall out of quarrel. There are allegations of using kick and fist blows. Learned trial Court has awarded sentence of maximum two years for offence under Section 325 of the IPC and one year for offence under Section 3(1)(r)(s) and 3(2)(v-a) of the SC and ST Act. According to learned Counsel, applicants were on bail during trial. According to him, said judgment has been taken exception to by filing Criminal Appeal bearing No.223 of 2024 and it would take long time to be heard. For all above reasons, he submits that substantive sentence be suspended and accused be set at liberty.

3. Learned APP for respondent State as well as learned Counsel for original complainant both opposed the application on the ground of serious offence of beating as well as caste abuse. According to them, there is cogent, convincing and reliable evidence resulting into conviction.

4. Perused the papers. It seems that crime was registered at

Nagar Taluka Police Station, Ahmednagar on 03-12-2020 regarding occurrence of 02-12-2020. Statement is made across the bar that the applicants were on bail during trial. Prosecution case came to be rested on evidence of six witnesses. Operative part of the order shows that for offence under Section 325 of the IPC, there is sentence of rigorous imprisonment for two years and fine, for offence under Section 323 of the IPC, there is sentence of rigorous imprisonment for one year and fine, for offence under Section 504 of the IPC, there is sentence of rigorous imprisonment for one year rigorous imprisonment and fine and for offence under the Section 3(1)(r)(s) and 3(2)(v-a) of the SC and ST Act, there is sentence of rigorous imprisonment for one year and fine. Admittedly, appeal has been preferred against said judgment and it being recent, it would take a long time to be heard and decided.

5. Considering the nature of allegations and quantum of sentence, 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 applicants

in Special Case No.226 of 2021 by the learned Additional Sessions Judge, Ahmednagar on 16-02-2024 stands suspended till the final hearing and disposal of Criminal Appeal No.223 of 2024.

(III) The applicants (1) Ushabai W/o. Machindra Jadhav, (2) Kailas S/o. Machindra Jadhav, (3) Vijay S/o. Machindra Jadhav be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) each with two solvent sureties in the like amount each.

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

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

(VI) In case of two consecutive defaults on the part of the applicants 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 applicants.

(VII) Bail before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE