



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

**910 CRIMINAL APPLICATION NO. 1443 OF 2024
IN
APEAL/318/2024**

1. Satish s/o Uttam Bansode,
Age-29years, Occ- Agri

2. Latabai Uttam Bansode,
Age-38 years,Occ-

All R/o. Pedgaon, Tal- Shrigonda,
Dist- Ahmednagar.

3. Uttam Rambhau Bansode,
Age: 42, Occu.: Agri.,
R/o. Pedgaon, Tal. : Shrigonda,
Dist.: Ahmednagar

..Appellants

Versus

1. The State of Maharashtra,
Through Police Inspector,
Tq.Shrigonda, Dist- Ahmednagar

2. Navnath Dagadu Bhujbal,
Age: 49, Occu.: Agri.,
R/o.: Pedgaon, Tal.: Shrigonda,
Dist.: Ahmednagar

..Respondents

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Advocate for Applicant : Mr. Prathamesh Vikram Chaudhari
APP for Respondent/State: Mrs. Chaitali Choudhari-Kutti
Advocate for Respondent No.2 : Mr. Onkar M. Joshi (Appointed)

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 02nd JULY, 2024

PER COURT:

1. This is an application for suspension of sentence and grant of bail as a result of conviction recorded by learned Additional Sessions Judge, Shrigonda in Sessions Case No.212/2019, thereby convicting present applicant nos.1 and 2 for offence under Section 307, 498-A read with Section 34 of Indian Penal Code, 1860 and applicant no.3 for offence under Section 498-A only.

2. Learned counsel for the applicant points out that applicants were made to face trial for above charges and were tried by Additional Sessions Judge and guilt has been recorded. He pointed out that maximum sentence awarded is of 3 years i.e. for offence under Section 307 of IPC and 2 years for offence under Section 498-A of IPC and to pay fine. He further submits that fine amount is already paid. He further asserted that during trial applicants were on bail. They have preferred appeal against above judgment and the appeal being recent one will take long time to be heard and they have every hope of succeeding in the same. For all above reasons, learned counsel has prayed for grant of relief as prayed.

3. The above application is opposed by the learned APP by pointing out that there is overwhelming evidence and the same has been considered by the learned trial court in recording conviction.

4. Learned counsel appearing for the original complainant also resisted application pointing out that there are allegations of pouring kerosene and set victim on fire. That, she was deaf, dumb and mute and, therefore, she was differently abled. That, there was attempt to commit murder and a serious offence is committed.

5. After considering the submissions of both the sides, considering the fixed term of sentence awarded and the fact that the applicants were on bail during trial, appeal having been filed recently would obviously take long time to be heard and decided. Taking such aspects into consideration, 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 Sessions Case No.212 of 2019 by the learned Additional Sessions Judge, Shrigonda, on 27.02.2024 stands suspended till the final hearing and disposal of Criminal Appeal No.318 of 2024.

(III) The applicants – Satish Uttam Bansode, Latabai Uttam Bansode, Uttam Rambhau Bansode be released on P.R. Bond of

Rs.15,000/- (Rs. Fifteen thousand only) each with two solvent sureties each in the like amount.

(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.

(VIII) Fees of learned Advocate, who is appointed to represent the cause of respondent no.2, is quantified at Rs.3,000/- to be paid by High Court Legal Services Sub-Committee, Aurangabad.

[ABHAY S. WAGHWASE, J.]