



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1567 OF 2024
IN
CRIMINAL APPEAL NO. 361 OF 2024

Manik @ Bandu Trimbak Sirsat,
Age 50 years, Occupation Agriculture,
R/o Aarangaon, Taluka and District Beed.

... Applicant
[Orig. Accused]

Versus

The State of Maharashtra
Through : The Police Station Officer,
Police Station Neknoor,
District Beed.

... Respondent

.....
Mr. R. G. Hange, Advocate for the Applicant.
Mr. D. J. Patil, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

DATED : 22.04.2024

ORDER :

1. This is an application for suspension of sentence and grant of bail by virtue of sentence awarded in Sessions Case No. 82 of 2022 dated 28.02.2024 for offence punishable under Section 328 and 379 of the Indian Penal Code [IPC].

2. Learned counsel for the applicant submits that applicant was chargesheeted for offence under Sections 328 and 379 of IPC and

learned Additional Sessions Judge, Beed conducted trial and held accused guilty of above offences. He pointed out that sentence awarded is only of three years. He further pointed out that prosecution has not shown what was administered to the informant, so as to attract the provisions of Section 328 IPC. There is good case on merit in appeal. However, appeal would take long time to be heard and decided. He further submits that applicant was on bail during trial. For all above reasons, he prays for above relief.

3. Learned APP opposed, pointing out that there are serious allegations. On complete appreciation, there is conviction and so he prays to refuse the relief.

4. Perused the papers. It appears that present applicant was chargesheeted for commission of offence punishable under Sections 328 and 379 of IPC and tried before learned Additional Sessions Judge, Beed, who conducted trial vide Sessions Case No. 82 of 2022. Operative part of the judgment shows that conviction has been recorded for offence under Sections 328 and 379 of IPC and he is sentenced to suffer imprisonment for three years and one year respectively and to pay fine.

5. Considering the nature of allegations, nature of charge and the fact that appeal is of the year 2024, obviously much more time would be required to hear and decide the appeal. Considering the statement made across the bar that, during trial applicant was on bail, relief as prayed deserves to be granted. Hence, following order is passed :

ORDER

- I. Criminal Application stands allowed.
- II. The substantive sentence imposed on the applicant Manik @ Bandu Trimbak Sirsat in Sessions Case No. 82 of 2022 by the Additional Sessions Judge, Beed on 28.02.2024 stands suspended till final hearing and disposal of Criminal Appeal No. 361 of 2024.
- III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees 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 bail granted to the applicant.

VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]

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