



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1703 OF 2024
IN
CRIMINAL APPEAL NO. 393 OF 2024

Bhagwan s/o Sopan Sonawane,
Age: 47 years, Occ: Agril.
R/o: Goygaon, Tq. Vaijapur,
Dist. Aurangabad.

... Applicant
(Orig. Accused)

Versus

The State of Maharashtra,
Through Police Station Officer,
Vaijapur Police Station, Tq. Vaijapur
Dist. Aurangabad.

... Respondent

...
Mr. Yogesh D. Kale, Advocate for Applicant
Mrs. Ashlesha S. Deshmukh, APP for Respondent - State
...

CORAM : ABHAY S. WAGHWASE, J.
DATED : 02nd MAY, 2024

ORDER :

1. Instant application is moved by the convict for suspension of sentence and grant of bail by virtue of his conviction by learned Assistant Sessions Judge, Vaijapur in Sessions Case No. 104 of 2022, convicting him for offence punishable under sections 353 and 332 of Indian Penal Code (IPC).

2. Learned counsel for applicant pointed out that, complaint was lodged against applicant - accused for obstruction

while discharging duties. That after being charge-sheeted and tried, learned trial Judge held applicant guilty for above charges i.e. sections 353 and 332 of IPC and he is sentenced to suffer rigorous imprisonment for one year and also to pay fine of Rs.500/- for each of the above offences. It is further pointed out that, against the said judgment of conviction, applicant has preferred appeal before this Court, which is registered as Criminal Appeal No. 393 of 2024. It is pointed out that, said appeal is filed recently and much more time would be required to hear and decide the same and either ways, he is sentenced to suffer only one year imprisonment. That, applicant was on bail during trial. For all above reasons, relief of suspension of substantive sentence as well as grant of bail is pressed into service.

3. Learned APP opposed the application on the ground that, on full-fledged trial, guilt has been recorded against applicant. That was obstruction from performing the duty. For above reasons, learned APP prays to refuse the relief as prayed.

4. Heard each of the side. It seems that, present applicant was charge-sheeted for commission of offence under sections 353, 332, 504 and 506 of IPC. Upon trial, learned Assistant Sessions Judge, Vaijapur seems to have held present applicant guilty only

for offence under sections 353 and 332 of IPC and for each of the above offence, he seems to have been sentenced to suffer one year imprisonment and to pay fine of Rs.500/-. Against the said judgment and order dated 05.04.2024, appeal seems to have been preferred appeal bearing Criminal Appeal No.393 of 2024.

5. Apparently, appeal is filed recently and it will take long time to be heard and decided. Sentence is also for only one year. Statement is made across the bar and it is also seen from the operative part of the judgment that the applicant was on bail during trial.

6. In the light of above discussion and facts and circumstances, the relief as prayed deserves to be granted. Hence, the following order.

ORDER

- (i) Criminal Application stands allowed.
- (ii) The substantive sentence imposed on the applicant Bhagwan s/o Sopan Sonawane in Sessions Case No. 104 of 2022 by the Assistant Sessions Judge, Vaijapur on 05.04.2024 stands suspended till the final hearing and disposal of Criminal Appeal No.393 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 their 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, J.)