



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2425 OF 2024
IN
CRIMINAL APPEAL NO. 535 OF 2024

Maruti S/o Balu Mali.

Age: 57 years, Occu: Retired.

R/o. Osmanabad,

Tq. and Dist: Osmanabad.

... Applicant

Versus

1. The State of Maharashtra

2. Somnath Dadarao Dake

Age : 65 years, Occu : Service,

R/o. Osmanabad,

Tq. and Dist : Osmanabad.

... Respondents

...

Mr. S. P. Nimbalkar h/f. Mr. V. R. Dhorde, Advocate for Applicant

Mr. N. D. Batule, APP for Respondent No.1 – State

Mr. Dinkar G. Kamble, Advocate for Respondent No.2

...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 11th JULY, 2024

PER COURT :

1. Instant application is for suspension of sentence and grant of bail as a result of which conviction recorded by learned Special Judge (Atrocities), Osmanabad in Special Case (Atro) No. 15 of 2011, by which applicant is sentenced to suffer rigorous imprisonment for six months and to pay fine for offence punishable under section 3(1)(x) of the Scheduled Castes and the Scheduled

Tribes (Prevention of Atrocities) Act, 1989 (S.C. & S.T. Act).

2. Learned counsel for applicant pointed out that, there is false implication. That, learned trial court has recorded guilt for offence punishable under section 3(1)(x) of S.C. & S.T. Act and he has been sentenced to suffer six months imprisonment. That, conviction is challenged and applicant has a good case on merits in appeal, but it would take long time to be heard and decided. He further pointed out that, applicant was on bail during trial and fine amount is paid. Hence, for all above reason, he prays for suspension of sentence and grant of bail during trial.

3. Learned APP as well as learned counsel representing complainant, both have strongly opposed on the ground that offence of Atrocities Act has been proved. Considering the gravity of the offence and nature of allegations, they both prayed to reject the application.

4. Heard each of the side. Perused the papers. Admittedly, applicant seems to be tried for offence punishable under section 3(1)(x) of S.C. & S.T. Act. There is no dispute that, trial concluded in conviction and operative part of the judgment shows that, sentence awarded is of six months and to pay fine.

5. Considering the quantum of sentence, nature of allegations and that much more time would be required to hear and decide the appeal, coupled with factor of applicant was on bail during trial, 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 Maruti S/o Balu Mali in Special Case (Atro) No. 15 of 2011 by learned Special Judge (Atrocities), Osmanabad on 22.03.2024 stands suspended till the final hearing and disposal of Criminal Appeal No.535 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.)