



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**907 CRIMINAL APPLICATION NO. 2506 OF 2024
IN CRIMINAL APPEAL NO. 553 OF 2024**

1. Ashok @ Asaram Rama Sawant,
Age :- 62 years, Occ. Agri.,
2. Lahu Rama Sawant,
Age :- 52 years, Occ. Agri.
3. Rameshwar Asaram @ Ashok Sawant,
Age :- 25 years, Occ. Agri.,
4. Datta Lahu Sawant,
Age :- 23 years, Occ. Agri.,
5. Shankar Laxman Dhumak,
Age :- 56 years, Occ. Agri.,
6. Bhagvan Laxman Dhumak,
Age :- 27 years, Occ. Agri.,

All R/o Karanjala, Tq. Ambad,
Dist. Jalna.

... Appellants

Versus

The State of Maharashtra
Through Police Inspector,
Gondi Police Station,
Tq. Ambad, Dist. Jalna.

... Respondent

.....
Advocate for Applicants : Mr. P. P. More
APP for Respondent-State : Mr. K. K. Naik
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 16 JULY 2024

ORDER :-

1. This is an application for suspension of sentence and grant of bail in the backdrop of conviction recorded by learned Additional Sessions Judge, Ambad in Sessions Case No. 22 of 2023.

2. Learned counsel for the applicants, in support of relief, pointed out that applicants were chargesheeted for offence under sections 302, 324, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code [IPC]. That, there was previous enmity. That learned Trial Court has convicted applicants for offence under Section 324, 323, 143, 147, 148 r/w 149 of IPC. That all are acquitted from charge under Section 302, 504 & 506 r/w 149 of IPC. He pointed out that exception has been taken to the above judgment dated 30.05.2024 by filing appeal bearing Criminal Appeal No. 553 of 2024 i.e. recently. That, maximum sentence awarded is imprisonment for one year. Some applicants have already undergone couple of months imprisonment. They were on bail during trial and they have every hope of succeeding in appeal. Hence, instant application is pressed into service.

3. Learned APP pointed out that there is use of deadly weapon like axe and iron rod. There was charge for murder and other offences. There was riot, getting armed with deadly weapons. Therefore, according to him, considering the nature of accusations, application be rejected.

4. After considering submissions of both sides, it seems that applicants were tried by learned Additional Sessions Judge, Ambad vide Sessions Case No. 22 of 2023. Trial concluded in acquittal from charge under Sections 302, 504, 506 r/w 149 of IPC, but learned trial court held applicants guilty for commissions of offence under Sections 324, 323, 143, 147 & 148 r/w 149 IPC. Operative part of the order shows that maximum sentence awarded is for offence under Sections 324 & 148 IPC, i.e. one year imprisonment, and for rest of the offences, sentence awarded is one month, three months and six months respectively. Apparently appeal is filed in 2024. Considering the quantum of sentence and the fact that there are no immediate prospects of hearing the appeal, coupled with the nature of charge established, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

I. The application is allowed.

II. The substantive sentence imposed on the applicants (1) Ashok @ Asaram Rama Sawant, (2) Lahu Rama Sawant, (3) Rameshwar Asaram @ Ashok Sawant, (4) Datta Lahu Sawant, (5) Shankar Laxman Dhumak and (6) Bhagvan Laxman Dhumak in Sessions Case No. 22 of 2023 by the Additional Sessions Judge, Ambad on 30.05.2024 stands suspended till the final hearing and disposal of Criminal Appeal No. 553 of 2024.

III. The applicants be released on P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with two solvent sureties 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 bail granted to the applicants.

VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]