



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**912 CRIMINAL APPLICATION NO. 4066 OF 2023
IN APEAL/1070/2023**

SWARNSINGH @ SHRIRANG KISANSINGH THAKUR
VERSUS
THE CENTRAL BUREAU OF INVESTIGATION AND ANOTHER

.....

Advocate for Applicant : Mr. Niraj Pradeep Chudiwal and Mr. Satej S.
Jadhav

APP for Respondent – State : Mr. S. M. Ganachari
Standing Counsel for Respondent - UOI : Mr. Ajay G. Talhar

.....

**WITH
CRIMINAL APPLICATION NO. 4003 OF 2023
IN APEAL/1038/2023**

KULDIPSINGH NAGUSINGH THAKUR
VERSUS
THE CENTRAL BUREAU OF INVESTIGATION

.....

Advocate for Applicant : Mr. Abhaykumar Dilip Ostwal
Standing Counsel for Respondent – UOI : Mr. Ajay G. Talhar

.....

**WITH
CRIMINAL APPLICATION NO. 4004 OF 2023
IN APEAL/1039/2023**

VIKARAMSINGH DATTUSINGH CHAUHAN
VERSUS
THE CENTRAL BUREAU OF INVESTIGATION (C.B.I)

.....

Advocate for Applicant : Mr. Abhaykumar Dilip Ostwal
Standing Counsel for Respondent - UOI : Mr. Ajay G. Talhar

.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 14th MARCH, 2024

ORDER :

1. Convicts, who have preferred Criminal Appeals against the judgment and order of conviction dated 09.10.2023 passed by learned Additional Sessions Judge, Latur in Sessions Case No. 78 of 2014, are praying for suspension of sentence and grant of bail during pendency of appeal.

2. It is submitted that, applicants were made to face trial for offences punishable under sections 302, 354, 376(2)(g), 364, 203, 201 and 120-B read with section 34 of Indian Penal Code (IPC) by virtue of registration of crime bearing No.80 of 2014 at MIDC Police Station, Latur. It is further pointed out that only original accused nos.1 and 2 Mahendrasingh and Samir were held guilty for offence punishable under section 302 read with section 34 and sections 201 and 203 read with section 120-B of IPC. Present applicants i.e. original accused nos.4, 5 and 6 were acquitted for offence punishable under sections 302 and 364 read with section 120-B of IPC, however, they are held guilty for offences punishable under sections 201 and 203 read with section 120-B of IPC and they are sentenced to suffer rigorous imprisonment for three years and two years respectively for each of the offences. It is submitted that, present applicants are behind the bars since two years. That, they were on bail during trial. That, as appeals are filed in 2023, much more time would be

required to hear and decide the appeals. Therefore, it is prayed that, sentence be suspended and applicants be set at liberty.

3. Learned APP as well as learned standing counsel for CBI opposed the applications on the ground that applicants are involved in serious offence, which includes murder as well as rape.

4. Learned APP for State and learned standing counsel for CBI do not dispute that, present applicants are held guilty for only offence under sections 201 and 203 read with section 34 of IPC. That, there is no further dispute that, applicants are on bail during trial.

5. Considering the conviction for offence under sections 201 and 203 read with section 120-B of IPC and taking into consideration the quantum of sentence and the fact that applicants were on bail during trial, relief as prayed deserves to be granted. Hence, I proceed to pass the following order : -

ORDER

- (i) Criminal Applications stand allowed.
- (ii) The substantive sentence imposed on the applicants, Swarnsingh @ Shrirang Kisansingh Thakur (Cri.Application No.4066 of 2023), Kuldipsingh Nagusingh Thakur (Cri.Application No. 4003 of 2023) and Vikaramsingh Dattusingh Chauhan (Cri.Application No.4004 of 2023) in Sessions Case

No.78 of 2014 by learned Additional Sessions Judge, Latur on 09.10.2023 stands suspended till the final hearing and disposal of Criminal Appeal Nos.1070 of 2023, 1038 of 2023 and 1039 of 2023.

- (iii) The applicants 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 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 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.

(ABHAY S. WAGHWASE, J.)