



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4830 OF 2024
IN
CRIMINAL REVISION APPLICATION NO. 316 OF 2024

Ramesh s/o Sakharam Mhaske,
Age : 26 years, Occu. Agri.,
R/o: Thergaon,
Taluka and District Jalna.

... Applicant

Versus

The State of Maharashtra

... Respondent

.....
Mr. Aakash V. Bagal, Advocate for the Applicant.
Mrs. Chaitali Chaudhari Kutti, APP for the Respondent-State.
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 13 DECEMBER 2024

PER COURT :-

1. Instant application is for suspension of sentence and grant of bail during pendency of Criminal Revision Application preferred against the judgment and order dated 04.11.2024 passed by Additional Sessions Judge, Jalna in Criminal Appeal No. 4 of 2021 arising out of judgment and order dated 03.03.2021 passed by learned 4th JMFC, Jalna in R.C.C. No. 285 of 2016

2. Learned counsel pointed out that crime was registered at Taluka Police Station, Jalna for offence under Sections 354, 354-A(1)(ii), 451 r/w 34 of the Indian Penal Code [IPC] on complaint lodged by PW3 victim. It is submitted that there is false implication. That, there is no convincing evidence or independent or direct eye witness. Merely on complaint of victim, report has been entertained and even learned courts below accepted the same. It is pointed out that after recording guilt, learned trial court has sentenced applicant for one year imprisonment. That, there is challenge to the orders passed by both, trial court and first appellate court. However, revision being of the year 2024, it will take long time to be heard. Learned counsel submitted that applicant was on bail during trial and pending appeal before the first appellate court, but after judgment in appeal, he was taken in custody and is in MCR. Hence, above prayers for suspension of sentence and grant of bail.

3. Learned APP opposed on the ground that there are allegations of entering the house at dead night and committing the offence while victim, a married lady, was alone and her husband had been out of station and as such, disadvantage of the situation was taken. That after complete appreciation, trial court held him guilty and first

appellate court also confirmed the same. Hence, relief as prayed is opposed.

4. After considering the submissions and on going through the papers, it seems that, Taluka Police Station, Jalna registered crime bearing no. 290 of 2015 for offence under Sections 354, 354-A, 451 r/w 34 of IPC against present applicant and two unknown persons. Victim, who gave evidence in the capacity of PW3 at Exhibit 18, has narrated the occurrence. Allegations are that at 11.00 p.m., applicant entered the house of victim and according to her, with evil intentions, applicant caught hold of her hand and asked her to allow him to sleep with her. She raised shouts, after which, applicant and others took to heels.

5. Learned trial Judge, who conducted the proceedings, has recorded the guilt by judgment and order dated 03.03.2021 and same is confirmed by the first appellate court. Now there is challenge to the same by way of revision which is apparently of the year 2024. Sentence is of one year. Applicant was said to be on bail. Taking into consideration the nature of allegations, quantum of sentence and as much more time would be required to decide the revision, relief as prayed deserves to be allowed. Hence, following order is passed.

ORDER

- I. Criminal Application is allowed.
- II The sentence imposed on the applicant Ramesh s/o Sakharam Mhaske by the learned 4th Judicial Magistrate (F.C.), Jalna in Regular Criminal Case No. 285 of 2016 on 03.03.2021 and confirmed by learned Additional Sessions Judge, Jalna on 04.11.2024 in Criminal Appeal No. 4 of 2021, stands suspended till final hearing and disposal of Criminal Revision Application No. 316 of 2024.
- III. The applicant be released on P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- IV. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]