

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4753 OF 2024
IN
CRIMINAL REVISION APPLICATION NO. 593 OF 2024

Ranjit Janardhan Agrawkar

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Kalpesh Patil a/w Mr. Mayur Sanap and Mr. Pratik Deshmukh i/by Mr. Prashant Raul for Applicant
- Ms. Sangita E. Phad, APP for State

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CORAM : MILIND N. JADHAV, J.**DATE : NOVEMBER 19, 2024****P. C.:**

1. Heard Mr. Patil, learned Advocate for Applicant and Ms. Phad, learned APP appearing for State.
2. After hearing Mr. Patil, yesterday i.e. on 18.11.2024, this Court passed the following order:-

"1. Heard Mr. Patil, learned Advocate for Applicant and Ms. Tidke, learned APP for State.

2. Revision Applicant has filed present Interim Application seeking suspension of his sentence. Order of conviction dated 29.10.2020 passed by learned Trial Court has been upheld by Court of Sessions by impugned order dated 06.11.2024. Conviction of Revision Applicant is under Sections 323 IPC for causing hurt, Section 354 IPC for outraging modesty of complainant and under Section 452 IPC for house trespass. Applicant was convicted for the offence under Section 354 of IPC and sentenced for one year RI and fine of Rs. 2000/- in default in payment to suffer RI for one month; for offence under Section 323 of IPC Applicant was sentenced to six months RI and a fine of Rs. 1000 and 15 days RI in case of default payment and for the offence under Section 452 IPC Applicant was sentenced to one year RI and fine of Rs. 2000/- and

in default of payment RI for one month. Mr. Patil would submit that fine amount has already been deposited by Applicant.

3. *Mr. Patil would inform the Court that Applicant was initially arrested and was in prison for 2-3 days and thereafter granted bail. He would submit that he does not have details but he would obtain the same and inform the Court accordingly. He would submit that on passing of the impugned order on 06.11.2024, Applicant surrendered and has been incarcerated in prison since then. While drawing my attention to the impugned orders, he would submit that present Interim Application filed by Applicant be considered on the ground that there are no antecedents whatsoever of Applicant of having committed any offence in the past. That Applicant is a fisherman who is the sole breadwinner of his family comprising of wife and two children who are 12 years and 9 years old today and who solely are dependent upon him for their livelihood and schooling. Apart from pointing out discrepancy in the impugned order as also the order of conviction dated 29.10.2020, he would submit that this is a fit case for allowing the present Interim Application and suspend the sentence of the Applicant subject to hearing the Revision Application.*

4. *Mr. Tidke, learned APP appears for State. Copy of present Interim Application and Revision Application shall be handed over to her in Court today itself to enable her to prepare in the matter. After hearing the learned APP, appropriate orders will be passed in the present Interim Application.*

5. *Stand over to 19th November, 2024 at 2.30 p.m."*

3. On the issue of merits, Mr. Patil has placed before me the deposition of complainant and would draw my attention to the inconsistency in the deposition of complainant and the two prosecution witnesses. He would submit that it is the complainant's own case that only after the incident took place, she was sitting outside her house weeping upon which she was confronted by one of the neighbour who is one of the prosecution witness and he asked her about what happened. Contrary to this, the prosecution witness has stated that complainant had raised an alarm due to which he rushed to her house and while doing so, he saw the accused running away from

the house. The aforesaid inconsistency is glaring on the face of record. I have perused the impugned orders and in view of the reasons given in my previous order and the aforesaid inconsistency, I am inclined to enlarge the Applicant on bail and suspend his sentence subject to the decision in the Criminal Revision Application.

4. In view of the above, the Applicant is granted bail subject to the following conditions:-

- (i) Applicant - Ranjit Janardhan Agrawkar be released on bail on executing P.R. Bond of Rs. 15,000/- with one or more solvent sureties in the like amount;
- (ii) Applicant shall report to the concerned local jurisdictional Police Station as and when called for until further orders;
- (iii) Applicant shall keep the Police Station informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time;
- (iv) Applicant shall not attempt to contact the Applicant and / or her family or the witnesses;
- (v) Applicant shall not tamper, pressurize or threaten the prosecution witnesses and be of good behaviour;

- (vi) The concerned Prison Authority / Jail Superintendent wherein the Applicant is incarcerated at present shall act immediately on a server copy of this order and release the Applicant strictly in accordance with law;
- (vii) Registry is directed to inform about this order to the concerned Prison Authority / Jail Superintendent immediately.
5. Place the Criminal Revision Application on Board on **17th December, 2024.**
6. In view of the above directions, present Interim Application is allowed and disposed.

Amberkar

[MILIND N. JADHAV, J.]

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