



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 370 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 28 OF 2025

Rupesh s/o Deepak Tarde
Age : 30 Years, Occu: Service,
R/o. Venkatesh Nagar, Pisadevi Road,
Chh. Sambhajinagar,
Taluka and District Chh. Sambhajinagar.

... Applicant
(Orig. Accused)

Versus

The State of Maharashtra,
Through the Police Inspector,
Police Station, Cidco, Chh. Sambhajinagar,
District Chh. Sambhajinagar.

... Respondent

.....
Mr. R. N. Dhorde, Senior Advocate i/by Mr. S. G. Kawade, Advocate
for the Applicant.

Mrs. Vaishali S. Chaudhari, APP for the Respondent-State.
.....

CORAM : ABHAY S. WAGHWASE, J.
DATED : 29.01.2025

ORDER :

1. Present application is for suspension of sentence and grant of bail on account of applicant's conviction dated 14.10.2019 by learned 10th J.M.F.C., Aurangabad for offence under Section 354-A(1)(i) of IPC in R.C.C. No. 2397 of 2017 and confirmed by learned Additional Sessions Judge by order dated 23.01.2025 in Criminal Appeal No. 183 of 2019.

2. Learned senior counsel pointed out that applicant was tried for above offence by learned J.M.F.C. vide R.C.C. No. 2397 of 2017 and he came to be held guilty and is sentenced to suffer one year imprisonment for offence under Section 354-A(1)(i) of IPC. That, said order was challenged before Sessions Court but learned Additional Sessions Judge dismissed the appeal and confirmed the sentence.

3. Learned senior counsel further pointed out that applicant is already taken in custody by the first appellate court on the day of judgment itself. That, during trial before learned J.M.F.C. as well as during appeal before learned Additional Sessions Judge, applicant was on bail. Now revision has been preferred assailing judgment of both, learned trial court as well as learned appellate court. Learned senior counsel emphasized that revision being of current year, it would take long time to be heard and decided and hence, prayers for suspension of sentence and grant of bail during pendency of revision.

4. Learned APP opposed on the ground that on full fledged trial, learned trial court recorded conviction and even appellate court confirmed the same on complete re-appreciation.

5. After considering the above submissions, it seems that applicant was tried for offence under Section 354-A(1)(i) of IPC and by judgment and order dated 14.10.2019, he is held guilty and said judgment is also upheld by first appellate court. The first appellate court seems to have, after dismissal of appeal, cancelled the bail bonds and directed the applicant to be committed to prison.

6. On going through the papers, it is emerging that, sentence awarded is for one year. Revision has been preferred and same is pending. Statement is made across the bar that, during both proceedings, i.e. before the trial court as well as the first appellate court, applicant was on bail. Considering the nature of accusations and quantum of sentence, relief as prayed, deserves to be granted. Hence, I proceed to pass the following order :

ORDER

- I. Criminal Application stands allowed.
- II. The substantive sentence imposed on the applicant Rupesh s/o Deepak Tarde in R.C.C. No. 2397 of 2017 by the learned 10th J.M.F.C., Aurangabad on 14.10.2019, which is confirmed by learned Additional Sessions Judge by order dated 23.01.2025 in Criminal Appeal No. 183 of 2019, stands suspended till the final hearing and disposal of Criminal Revision Application No. 28 of 2025.

- 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. 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 his 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 bail granted to the applicant.
- VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]