



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.735 OF 2025

IN

CRIMINAL APPEAL NO. 128 OF 2025

1. Satish Shamrao Nagargoje,
Age : 34 years, Occu. : Labour,
R/o. Majalgaon, Dist. Beed.

2. Babasaheb Limbaji Chaure,
Age : 34 years, Occu. : Labour,
R/o. Majalgaon, Dist. Beed.

... Applicants

Versus

1. The State of Maharashtra
2. Rajendra Rambhau Khandagale,
Age : 40 years, Occu. : Labour,
R/o. Govindwadi, Tq. Majalgaon,
Dist. Beed.

... Respondents

.....

Mr. D. S. Ingole, Advocate for Applicants.

Mr. S. B. Narwade, APP for Respondent No.1 – State.

Mr. S. S. Nade, Advocate for Respondent No.2.

.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 5th MARCH, 2025

ORDER :

1. Present application is for suspension of sentence and grant of bail by virtue of conviction order passed by learned Special Judge (SC & ST Act), Majalgaon in Special Case (Atrocity) No.03 of 2017.

2. Learned counsel for applicants pointed out that, both present applicants were tried by Special Judge on allegation of

commission of offence under sections 323, 324, 504, 506 read with section 34 of Indian Penal Code and provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. That, judgment has been rendered on 27.01.2025 holding applicants guilty for above offences. It is pointed out that, sentence awarded is one year, six months and two months respectively. That, exception has been taken to the above judgment by filing appeal, however, appeal being of 2025, there are no chances of hearing being conducted immediately. Both applicants were on bail during trial and hence relief of suspension of sentence and grant of bail are pressed into service.

3. Learned APP opposed on the ground that on full-fledged trial guilt has been recorded.

4. Heard. Perused the papers. It seems that, vide judgment and order dated 27.01.2025 passed in Special Case (Atrocity) No. 03 of 2017, both present applicants are held guilty for offence punishable under sections 323, 324, 504 r/w section 34 of IPC as well as provisions of SC & ST Act. Apparently maximum sentence is of one year and to pay fine. Applicants are said to be on bail during trial. As appeal against above judgment and order is of 2025 and obviously it would take long time to be heard and decided, relief as prayed deserves to be granted. Hence, the following order is passed :

ORDER

- I. Criminal Application stands allowed.
- II. The substantive sentence imposed on the applicants, namely, (i) Satish Shamrao Nagargoje and (ii) Babasaheb Limbaji Chaure in Special Case (Atrocity) No.03 of 2017 by learned Special Judge (SC & ST Act), Majalgaon on 27.01.2025 stands suspended till the final hearing and disposal of Criminal Appeal No.128 of 2025.
- III. The applicants be released on P.R. Bond of Rs.15,000/- (Rupees 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 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.)