



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1594 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 157 OF 2025

Yadavrao Ramji Bachewar

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Barhate Ranjita R., Advocate for the Applicant (appointed through
Legal Aid.)

Ms Ashlesha S. Deshmukh, APP for Respondent – State.

CORAM : ABHAY J. MANTRI, J.

DATE : OCTOBER 07, 2025

PER COURT :

1. The applicant, i.e., the father-in-law of the informant, being aggrieved by the order dated 18th February 2025, passed by the learned Additional Sessions Judge, Bhokar, below Exhibit 37 in Criminal Appeal No.10 of 2024, has preferred this revision.

2. Heard learned advocate for the applicant and the APP and perused the impugned order as well as the judgment passed by the learned Trial Court and the record.

3. At the outset, it appears that the informant has filed the complaint against the applicant and two others, alleging that they have subjected her to cruelty on account of the demand for dowry. On the basis of her complaint, an offence was registered against the applicant and two

others. Trial was conducted, and after considering evidence and record, the learned Magistrate, by an order dated 10th July 2024, convicted the applicant and two other persons for the offences punishable under Sections 498-A, 323, and 506 read with Section 34 of the Indian Penal Code. The applicant and two others were sentenced to rigorous imprisonment for three (03) years and shall pay a fine of ₹ 50,000/- each. In default of payment of the fine, they shall suffer additional rigorous imprisonment for a term of five (05) months. Being aggrieved by the said judgment, the applicant and two others preferred an appeal before the learned Sessions Court. The learned Sessions Court released the accused, No. 2-mother-in-law of the informant, on bail, as she had paid the fine amount of ₹ 50,000/-.

4. The husband of the informant failed to pay the fine amount; therefore, the learned Sessions Court has rejected his application for suspension of sentence, and he was taken into custody. The husband of the informant has challenged the said order before this Court in Criminal Application No.2110 of 2025, and this Court after considering the material on record, observed that the accused No.1/husband was in jail since last more than one (01) year and seven (07) months though the sentence is suspended, he could not be released on as he has not deposited the fine amount of ₹ 50,000/-, therefore, this Court has released him on bail.

5. The learned advocate for the applicant submitted that the co-accused, i.e., the mother-in-law and husband of the informant, have already

been released on bail by the learned Sessions Court as well as this Court. The applicant is 70 years old and has been in jail for more than six (06) months. She further submitted that the applicant is ready to deposit part of the fine amount, i.e. ₹ 10,000/-, in the Sessions Court. Therefore, she urged that the applicant be released on bail.

6. I have perused the impugned order, it appears that the learned Appellate Court while passing order has observed that the applicant has not applied to the Trial Court for suspension of the sentence nor he was in jail, therefore, question of releasing him on bail doesn't arise and considering the conduct of the applicant that he has not applied to the Trial Court for suspension of sentence or even to release him on bail, since the date of judgment, therefore, the learned Trial Court has rejected the application.

7. It is to be noted that the learned Trial Court in its order in clause (3) has observed that in default of payment of fine, the applicant shall suffer additional rigorous imprisonment for the term of five (05) months; undisputedly, the applicant is in jail for more than six (06) months. Apart from that, the applicant is 70 years old, and the co-accused, i.e., the husband and the mother-in-law of the informant, have already been released on bail. Having considered the same and considering the age of the applicant, in my view, the order passed by the learned Appellant Court is improper, based on the finding recorded by the learned Appellate Court order, which cannot be sustained, and therefore, interference is required in

the impugned order, and the same is liable to be set aside. Consequently, it would be appropriate to suspend the sentence awarded by the learned Trial Court and release the applicant on bail.

8. As a result, this application is allowed and the order passed by the learned Additional Sessions Judge, Bhokar, below Exhibit 37 in Criminal Appeal No.10 of 2024 is hereby quashed and set aside. The application Exhibit 37 is allowed. Substantive sentence of imprisonment passed by the learned Trial Court in RCC No.63 of 2023 dated 10th July 2024 against the applicant is suspended till the disposal of the appeal, subject to the deposit of part of the fine amount of ₹ 10,000/- in the Sessions Court. The condition of depositing the rest of the fine amount is suspended till the disposal of the appeal.

9. The applicant, Yadavrao Ramji Bachewar, be released on bail upon furnishing PB and SB of ₹ 50,000/- and depositing part of the fine amount of ₹ 10,000/- in the Sessions Court.

10. The Criminal application stands disposed of in the above terms.

(ABHAY J. MANTRI, J.)