



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2775 OF 2024
IN
CRIMINAL REVISION APPLICATION NO. 181 OF 2024

Pandhari s/o Hanmant Sagar,
Age : 37 years, Occu. Service,
R/o. Sahara Colony, Dharmabad,
Tal. Dharmabad, Dist. Ahmednagar.

... Applicant
[Orig. Accused]

Versus

1. The State of Maharashtra
Through Police Station Officer
Dharmabad Police Station,
Tal. Dharmabad, Dist. Nanded.
2. Smt. Anupama Dhondibarao Mudholkar,
Age : 44 years, Occ: Service,
R/o: Dhar Road Parbhani
At present Jadgish Pulkunthawar wada,
Ganesh Nagar, Dharmabad, Tq. Dharmabad,
District Nanded. ... Respondent

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Mr. Prashant B. Jadhav, Advocate for the Applicant.

Mr. N. D. Batule, APP for Respondent-State.

Mr. S. V. Jadhavar h/f Mr. S. S. Thombre, Advocate for Respondent
No.2

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CORAM : ABHAY S. WAGHWASE, J.

Date : 04.02.2025

ORDER :

1. Present application is for suspension of sentence and grant of
bail on account of conviction recorded on 02.07.2022 by learned
J.M.F.C., Dharmabad for commission of offence under Section 354 of

IPC and the same being upheld by learned Additional Sessions Judge, Biloli vide judgment and order dated 02.07.2024.

2. It is pointed out that applicant was booked and tried for commission of offence under Section 354 of IPC and he came to be sentenced to suffer imprisonment for one year and to pay fine. That, his appeal before learned Additional Sessions Judge also came to be dismissed and hence he preferred revision before this Court. However, as it would take long time to be heard, he seeks suspension of sentence and grant of bail during its pendency.

3. Learned APP as well as learned counsel for respondent no.2 both have opposed on the ground that on full fledged trial, offence has been proved.

4. Heard. Perused the papers. It emerges that vide R.C.C. No. 37 of 2020, learned J.M.F.C., Dharmabad conducted trial of applicant for commission of offence under Section 354 of IPC and on appreciating prosecution evidence, accepted prosecution story and sentenced applicant for one year imprisonment for above offence and to pay fine. Though said judgment was challenged before learned Additional Sessions Judge, Biloli, papers show that same was dismissed by

judgment and order dated 02.07.2024. Now, same is taken exception to, by filing revision but revision is apparently of the year 2024 and there are no immediate prospects of hearing the revision. Considering the 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 Pandhari s/o Hanmant Sagar in R.C.C. No. 37 of 2020 by the learned J.M.F.C., Dharmabad on 02.07.2022, which is confirmed by learned Additional Sessions Judge, Biloli by order dated 02.07.2024 in Criminal Appeal No. 14 of 2022, stands suspended till the final hearing and disposal of Criminal Revision Application No. 181 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. 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 Criminal Revision Application, 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.]

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