



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2859 OF 2024
IN
CRIMINAL REVISION APPLICATION NO. 195 OF 2024

Bhagwan Gahenaji Sakhale,
Age : 44 years, Occu. : Agriculture,
R/o. Post Lihakhedi, Tq. Sillod,
Dist. Aurangabad.
At present N-9, Near Renuka Mata Mandir,
CIDCO, Aurangabad.

... Applicant
(Orig. Accused)

Versus

The State of Maharashtra

... Respondent

.....
Mr. Sudarshan J. Salunke, Advocate for Applicant.
Mr. V. S. Badakh, APP for Respondent - State.
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 14 JANUARY, 2025

ORDER :

1. Present application is for suspension of sentence and grant of bail on account of conviction recorded by learned J.M.F.C. Sillod in R.C.C. No. 388 of 2010 and the same being upheld by learned Additional Sessions Judge, Aurangabad in Criminal Appeal No. 202 of 2019.

2. Learned counsel for applicant pointed out that, applicant was tried by learned J.M.F.C. Sillod in R.C.C. No. 388 of 2010 for commission of offence under sections 324, 504 and 506 of

Indian Penal Code (IPC) and is held guilty for offence under section 324 of IPC and he is sentenced to suffer six months rigorous imprisonment. It is further submitted that, against said conviction appeal was preferred before learned Additional Sessions Judge, but the same is dismissed. It is further pointed out that, applicant has lost his mother on 03.01.2025 and while attending last rituals, he was arrested on execution of warrant. It is pointed out that, sentence awarded is of only six months. That, applicant has preferred revision against the same in 2024 itself and there are no immediate prospects of hearing the revision. Hence, relief as prayed is urged for. Learned counsel pointed out that, 13th day of rituals after demise is to be held tomorrow.

3. Learned APP opposed on the ground that, on full-fledged trial conviction is recorded. Appeal against the same has also been dismissed and for above reasons, relief is opposed.

4. After considering the submissions and on going through the papers, it seems that, applicant was tried by learned J.M.F.C., Sillod for offence under section 324 of IPC vide R.C.C. No.388 of 2010 and was held guilty by judgment and order dated 16.11.2019 awarding sentence of six months and to pay fine. Against the said judgment criminal appeal bearing No. 202 of 2019

was preferred, but the same is also dismissed by judgment and order dated 18.08.2023. The said judgment and order in appeal is questioned by filing revision bearing No.195 of 2024.

5. It is specifically submitted that, after demise of mother, when applicant was attending the last rituals, he was arrested in consequence to warrant executed by learned J.M.F.C., Sillod and he is said to be behind bars since then. Apparently, sentence awarded by trial court is of six months. Though appeal was preferred, it stood dismissed. Considering the quantum of sentence and revision being preferred in 2024 and the same being pending, 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 applicant Bhagwan Gahenaji Sakhale by learned J.M.F.C. Sillod in R.C.C. No.388 of 2010 and as confirmed by learned Additional Sessions Judge, Aurangabad on 18.08.2023 stands suspended till the final hearing and disposal of Criminal Revision Application No.195 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] Bail before the trial court.

(ABHAY S. WAGHWASE, J.)