

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3059 OF 2025
IN
CRIMINAL APPEAL NO. 854 OF 2025

Tanaji @ Appa Datu Karne ...Applicant
Versus
The State of Maharashtra & anr. ...Respondents

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Mr. Shailesh Chavan a/w Ms. Sampada Patil, Mr. Sumit Sawant, Mr. Sujit Nikam for Applicant.

Ms. Veera Shinde, APP for the Respondent No.1-State.

Mr. Vinod Shejwal i/b Mr. Adhik Kadam Advocate for Respondent No.2.

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CORAM : SHIVKUMAR DIGE, J.
DATE : 12th NOVEMBER, 2025

P.C.

1. By this application, applicant is seeking suspension of sentence imposed on him by the learned Special Judge and Additional Sessions Judge Malshiras in Atrocity Special Case No. 67 of 2018.

2. It is contention of learned counsel for applicant that applicant has been convicted under Section 3(1)(r) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (for short "SC & ST Act") and sentenced to suffer rigorous imprisonment for 1 year and to pay fine of rupees Rs.1000/-, in default to suffer further rigorous imprisonment for one month. Learned counsel

further submit that the applicant is sentenced to suffer rigorous imprisonment for 6 months for the offence under section 3(1)(s) of the SC & ST Act and to pay fine of Rs.1000/-, in default to suffer further rigorous imprisonment for one month. The applicant is convicted for the offence under section 3(2)(va) of the SC & ST Act and sentenced to suffer 6 months rigorous imprisonment and to pay fine of Rs.1000/-, in default to suffer further rigorous imprisonment for one month. The applicant is convicted for the offence under section 504 of Indian penal code and sentenced to suffer rigorous imprisonment for 3 months and to pay fine of rupees Rs.1000/-, in default to suffer rigorous imprisonment for one month. The applicant is also convicted for offence under section 506 of IPC and sentenced to suffer rigorous imprisonment for 6 months and pay fine of Rs.1000/-, in default to suffer further rigorous imprisonment for one month. Learned counsel further submitted that the applicant has deposited fine amount. The applicant was on bail during trial and requested to allow the application.

3. It is contention of learned APP and learned counsel for Respondent No.2 that the trial court has convicted the applicant. If applicant released on bail he may abscond. Hence, requested to reject the application.

4. I have heard all learned counsels, perused the impugned Judgment and order. During trial, applicant was on bail. The sentence imposed on the applicant is short term sentence. He has not misused the liberty. Considering these facts, I pass following order

ORDER

- (i) The Application is allowed;
 - (ii) The substantive sentence of imprisonment awarded to the applicant by Special Judge and Additional Sessions Judge Malshiras in Atrocity Special Case No. 67 of 2018 vide order dated 19/07/2025 is hereby suspended pending disposal of appeal.
 - (iii) The applicant be enlarged on bail on furnishing PR bond in the sum of Rs. 15,000/- with one or two sureties in the like amount.
 - (iv) The bail bonds to be furnished before the learned Special Judge and Additional Sessions Judge Malshiras.
5. The application is allowed in the aforesaid terms and is accordingly disposed off.
6. As learned advocate for Respondent No.2 is appointed through legal-aid, professional fees of Rs.10,000/- be paid to him.

(SHIVKUMAR DIGE, J.)