

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**Interim Application No.139 of 2025
in
Criminal Revision Application No.9 of 2025**

1. Umakant Dinkar Dhumal
Age: 59 years, Occu: Agri.,
2. Abhijit @ Kaka Umakant Dhumal
Age:27 years, Occu: Agri.,
3. Nikhil Umakant Dhumal
Age: 23 years, Occu: Agri.,

All r/o Dhumalwadi,
Tal Baramati, Dist Pune.

... Applicants

Versus

The State of Maharashtra
Through Vadgaon Nimbalkar
Police Station, Tal. Baramati,
Dist. Pune

... Respondent

Mr Rahul Kate, for the applicant.

Mr Pankaj Deokar, APP, for the respondent.

Coram: R.N. Laddha, J.

Date: 16 January 2025

P.C.:

The applicants faced trial in RCC No.155 of 2015 for offences punishable under Sections 323, 324, 504 and 506 read with 34 of the Indian Penal Code. By a judgment and order dated 19 March 2016, the trial Court convicted the applicants

for offences punishable under Sections 323, 324 and 506 read with 34 of the Indian Penal Code and acquitted them for the offence punishable under Section 504 of the IPC. The applicants were sentenced to suffer simple imprisonment for a month for offences under Sections 323 read with 34 of the IPC, simple imprisonment for three months and a fine of Rs.2000/-, with default stipulations, for offences under Sections 324 read with 34 of the IPC, and simple imprisonment for fifteen days for offences under Sections 506 read with 34 of the IPC. Aggrieved, the applicants filed an appeal bearing No.24 of 2016 before the Additional Sessions Judge, Baramati. By a judgment and order dated 3 January 2025, the appellate Court partly allowed the appeal and acquitted the applicants for the offence punishable under Sections 506 read with 34 of the IPC. Dissatisfied, the applicants preferred a revision application before this Court, and by the present application, the applicants seek suspension of sentence and their release on bail.

2. Mr Rahul Kate, the learned Counsel appearing on behalf of the applicants, highlighting the alleged deficiencies in the prosecution's case, submits that no independent witnesses were examined, and the witnesses are closely related to each other. Further, the learned Counsel submits that the Courts failed to consider the delay in lodging the FIR. The applicants were on

bail during the pendency of the trial and the appeal. The applicants have been in custody since 3 January 2025. The applicants are ready to abide by all the conditions this Court imposes if released on bail.

3. Mr Pankaj Deokar, the learned Additional Public Prosecutor representing the respondent/ State, opposing the applicants' request, emphasises the gravity of the offence. He contends that the evidence on record strongly supports the prosecution's case and does not warrant suspension of the sentence and the applicants' release on bail.

4. This Court has given anxious consideration to the rival contentions and perused the record.

5. In the present case, the applicants are required to undergo maximum simple imprisonment for three months for offences under Sections 324 read with 34 of the IPC and one month for offences under Sections 323 read with 34 of the IPC. During the pendency of the trial and the appeal, the applicants were enlarged on bail. The revision has been filed in 2025 and is unlikely to be heard immediately. If, at this juncture, the relief is denied, the applicants are likely to complete the entire term of their sentence before the revision is heard. In these circumstances, a case is made out for grant of suspension of

sentence pending the revision and release on bail. Hence, the following order:

ORDER

(i) The sentence imposed upon the applicants vide the judgment and order dated 19 March 2016 passed by the Court of 4th Judicial Magistrate First Class, Baramati, in RCC No.155 of 2015 as modified by the judgment and order dated 3 January 2025 passed by the Additional Sessions Judge, Baramati, in Criminal Appeal No.24 of 2016, is suspended during the pendency of the revision, subject to the applicants executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

6. The interim application stands disposed of accordingly.

(R.N. Laddha, J.)