

Cri. Appeal. No. 15/2024.
Vinod Rathod V/s. State.

:- ORDER BELOW Exh.2 IN CRIM. APPEAL. NO. 15/2024 :-
(Delivered on this 02nd Day of May 2024)

1. Pending the appeal, the applicant accused herein preferred this application for suspension of sentence and grant of bail vide section 389 of the Code of Criminal Procedure.

2. Posing exclusion to the judgment and order dated 28/03/2024 passed by learned Judicial Magistrate, First Class (Court No.5), Yavatmal, in Reg. Cril. Case No.149/2016, the accused herein has preferred this appeal. The learned trial Court convicted the accused for the offence punishable under section 354 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for one year and to pay fine of Rs.3,000/- for the offence under section 354 of IPC and in default to pay fine amount, sentenced him to suffer simple imprisonment for one month. According to applicant the appeal is admitted. It will take time for disposal in accordance with the law. He Has hope of success in the appeal. The accused is ready to abide with all the terms and conditions, if any imposed upon him. Amid pendency of appeal, if sentence of conviction imposed upon him is not suspended it will cause great prejudice upon him. On all above counts, the appellant/accused implored for suspension of sentence and his enlargement on bail.

3. I have mused over entire record minutely. Pondered over certified copy of impugned judgment dated 28.03.2024 keenly. It seems the accused was on bail throughout the trial. The accused is resident of Wai Hatola, District Yavatmal. He is having his roots in the same city. Apparently there is no reason to infer that, he would be absconded if released upon bail. He is not sentenced to imprisonment

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for a term not exceeding ten years or more. The appellant accused has already paid fine amount towards admission of the appeal. As such he is aware about the implications of bail as well as jail. I believe he would not abscond and face the proceeding on each and every date. Many facets were shown raising the grounds for appeal. Thus, I perceive appellant accused has made out case for suspension of sentence viz bail. Considering all peculiarities, to subserve justice, I pass following order.

ORDER

1. Application is allowed.
2. The execution of sentence imposed upon appellant vide judgment and order dated 28.03.2024 passed in Reg. Cril. Case No.149/2016 is hereby suspended till conclusion of the appeal or further orders, whichever is earlier, subject to the following terms and conditions.
 - (i) The accused/appellant be released on P.B. and S.B. of Rs.15,000/-. He may be enlarged on the old surety already submitted before the trial court at Yavatmal subject to verification by the sureties.
 - (ii) Call record and proceeding of Reg. Cril. Case No.149/2016.
 - (iii) Issue notice to respondent.
 - (iv) Inform learned Judicial Magistrate, First Class (Court No.5), Yavatmal, District Yavatmal accordingly.

Date : 02.05.2024.

(Amit Anant Laulkar)
Additional Sessions Judge,
Yavatmal.