

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4416 OF 2015
IN
CRIMINAL APPEAL NO.650 OF 2015

Sanjay s/o. Bhaurao Mohite,
Age 43 years, occ.Occu. Agri.,
R/o. Kasargaon,
Tq. and Dist. Latur ..Applicant

Versus

The State of Maharashtra,
through Police Station Officer,
Police Station Latur (Rural),
Tq. and Dist. Dist.Latur ..Respondent

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Mr.H.V.Patil, advocate for applicant

Mr.P.N.Mule, APP for respondent - State

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CORAM : M.T. JOSHI, J.
DATE : AUGUST 24, 2015

PER COURT :

Heard both sides.

2] Present applicant/appellant, who is convicted
by learned Sessions Judge, Latur in Sessions Case
No.97 of 2012 for the offence punishable under
Section 307 of Indian Penal Code and sentenced to

suffer rigorous imprisonment for four years and to pay fine, is praying for suspension of sentence and his release on bail.

3] Learned A.P.P. opposes the application.

4] Learned counsel for the applicant submits that the fine amount has already been deposited. Considering the fact that a short term sentence is awarded by learned Sessions Judge and the prosecution case itself would show that the victim as well as present applicant were consuming liquor on the day of the incident and the defence, that the victim, under the influence of liquor, himself had fallen on a tin sheet causing injury, without going into the merits of the case, in my view, the substantive sentence deserves to be suspended and the applicant deserves to be released on bail during pendency of the appeal.

5] During pendency of the appeal, the substantive sentence is hereby suspended. The applicant be released on bail upon his executing P.R. bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) and also upon furnishing surety in the like amount.

6] The application is allowed and disposed of as such.

[M.T. JOSHI, J.]

kbp

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2] **Admit.** Learned A.P.P. waives notice for the
respondent upon admission.

3] Printing of the paper book is dispensed with.

[M.T. JOSHI, J.]