

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1887 OF 2015**IN****CRIMINAL APPEAL NO. 346 OF 2015****[Sama Gaval Vasave Vs The State of Maharashtra]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri Pawan Pawar, advocate h/f
Shri D.M.Pingale, advocate for applicant/appellant
Smt. V.A.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 23rd April, 2015

PER COURT :-

- 1] This is an application for suspension of substantive jail sentence and for grant of bail.
- 2] I have heard Shri Pawan Pawar, learned counsel for the applicant and Smt. V.A.Shinde, learned Additional Public Prosecutor for the respondent/State.
- 3] The applicant is convicted by the learned Ad hoc Additional Sessions Judge, Shahada in Sessions Case No. 27 of 2012 for the offences punishable under Section 306 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.1,000/-, in default to suffer simple imprisonment for one month.
- 4] Learned counsel submits that the applicant has already deposited fine amount and the applicant was released on bail by the learned trial court by exercising powers under Section 389 of the Code of Criminal Procedure on 18.3.2015 itself. Statement accepted.

5] The applicant was on bail throughout and at no point of time he has misused the liberty granted to him. In that view of the matter, the application can be considered favourably. Hence I pass following order.

ORDER

- (i) Application is allowed.
- (ii) The substantive jail sentence imposed upon the applicant in Sessions Case No. 27 of 2012 by the learned Ad hoc Additional Sessions Judge, Shahada shall stand suspended during the pendency of the appeal.
- (iii) The applicant shall be on bail during the pendency of present appeal on his executing P.R. bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- (iv) Bail before the trial court.
- (v) The applicant shall remain present personally at the time of final hearing of the appeal.
- (vi) Application is disposed of.

(V.M.DESHPANDE, J.)

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