

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 1953 OF 2015**IN****CRIMINAL APPEAL NO. 350 OF 2015****[Arjun s/o Bapu Bhise 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 R.S.Kasar, advocate for applicant/appellant
Smt. P.J.Bharad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 15th April, 2015

PER COURT :-

1] This is an application for suspension of substantive jail sentence and for grant of bail.

2] The applicant/appellant is convicted by the learned Additional Sessions Judge, Ahmednagar for the offences punishable under Sections 353, 332, 333, 323 and 504 of the Indian Penal Code on 17.3.2015 in Sessions Case No. 223 of 2015. The applicant is directed to suffer rigorous imprisonment for one year, respectively and also to pay fine of Rs.1,000/- each on account of offence punishable under Sections 353, 332 and 504 of the Indian Penal Code. The applicant is directed to suffer rigorous imprisonment for five years and to pay a fine of Rs.5,000/- for the offence punishable under Section 333 of the Indian Penal Code.

The learned counsel for the applicant submits that the applicant has already deposited the entire fine amount. Statement is accepted.

3] Looking to the nature of the evidence and injury suffered by the complainant, this court is of the view that the substantive jail sentence can be suspended during the pendency of the present appeal, especially when presently this court is taking the appeals of 2000. The applicant was on bail throughout and at no point of time it is reported that he has misused the bail. Hence following order.

- (i) Criminal Application is allowed.
- (ii) The substantive jail sentence imposed upon the applicant on 17.3.2015 by the Additional Sessions Judge, Ahmednagar in Sessions Case No. 223 of 2015 for the offences punishable under Sections 353, 332, 333, 323 and 504 of the Indian Penal Code shall stand suspended.
- (iii) The applicant-Arjun Bapu Bhise be released on bail on he executing P.R. bond in the sum of Rs.10,000/- with one solvent surety in the like amount.
- (iv) Bail before the trial court.
- (v) The applicant shall remain present before this court at the time of final hearing of the appeal.
- (vi) Application is disposed of.

(V.M.DESHPANDE, J.)

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