

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 2367 OF 2015**

Bharatsing s/o Sarpa Vasave	.. APPLICANT
Versus	
State of Maharashtra	.. RESPONDENT

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Shri A.G.Magare, Advocate for applicant
Shri A.V.Deshmukh, APP for respondent State

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**CORAM : V.M.DESHPANDE, J.
DATED : 5TH MAY, 2015**

ORDER :-

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

2] Heard Shri A.G.Magare, learned counsel for the applicant and Shri A.V.Deshmukh, learned APP for State.

3] The Applicant is convicted by the learned Ad-hoc Additional Sessions Judge, Shahada in Sessions Case No.62/2013 whereby the applicant is convicted for the offence punishable under Section 306 of IPC and on that count, he is directed to suffer R.I. for 3 years and to pay fine of Rs.1000/- and in default, to undergo S.I. for one month. He is also convicted for the offence punishable under Section 498-A of IPC and sentenced to suffer R.I. for 2 years and to pay fine of Rs.1000/- in default to undergo S.I. for one month.

4] The learned counsel for the applicant submitted that after passing of the order of conviction by the trial Court by exercising

power u/s 389 of Cr.P.C., suspended substantial jail sentence till 4/5/2015 which was holiday.

5] The counsel for applicant has further submitted that the applicant was on bail throughout and at no point of time he has misused the liberty granted to him while granting bail by trial Court. He has further submitted that the applicant has already deposited entire fine amount. The statement is accepted.

6] Presently, this Court is taking appeals of the year 2002. Looking to the duration of the sentence and looking to the pendency of the Criminal Appeals and in near future, there is no possibility of reaching the present Criminal Appeal for final hearing, in that view application is required to be allowed. Accordingly Application is allowed.

7] The substantive jail sentence imposed upon the applicant by Ad-hoc Additional Sessions Judge, Shahada in Sessions Case No.62/2013 by order dated 2/4/2015 for the offences punishable under Sections 306 and 498-A of IPC shall remain suspended during pendency of the present Appeal

8] Applicant shall be released on bail on he executing PR bond of Rs.15,000/- (Rs.Fifteen thousand only) with one solvent surety in the like amount. Bail before trial Court.

9] That the applicant shall remain present before this Court at the time of final hearing of Appeal. With these directions, Application is disposed of.

(V.M.DESHPANDE,J.)