

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2468 OF 2015

Raju s/o Maharu Sonawane	.. APPLICANT
Versus	
State of Maharashtra	.. RESPONDENT

...
Shri D.M.Pingale, Advocate for applicant
Smt.P.J.Bharad ,APP for respondent State
...

CORAM : V.M.DESHPANDE,J.
DATED : 7TH MAY, 2015

ORDER :-

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

2] Heard Shri Pingale, learned counsel for applicant and Smt.Bharad, learned A.P.P, for State.

3] This Court has already admitted the Appeal filed on behalf of the present applicant challenging his conviction and consequent sentence. The applicant is convicted by learned Ad-hoc Additional Sessions Judge on 12/2/2015 in Sessions Case No.44/2013 for offence punishable under Sections 306 and 498-A of I.P.C. The learned Additional Sessions Judge has directed that the applicant shall suffer R.I, for 3 years and to pay fine of Rs.5000/- on each count.

4] When this appeal was admitted, that time, learned counsel for

the applicant has pointed out that though the time granted by trial Court was over, the applicant did not surrender.

5] The learned counsel submitted that on 29/4/2015, present applicant surrendered himself before Ad-hoc Additional Sessions Judge, Shahada and he was taken in M.C.R, and sent to jail as per conviction warrant in Sessions Case No.44/13. The learned counsel has submitted that the certified copy of the application alongwith order be taken on record. The same is taken on record and marked as "X" for the purpose of identification.

6] The applicant is convicted for period of 3 years. Applicant was on bail throughout and at no point of time, he has misused the liberty granted to him. The learned counsel further submitted that the applicant has already deposited fine amount. This statement is accepted.

7] Looking to the duration of sentence and looking to the fact that presently, the Court is taking appeals for final hearing of the year 2000, in near future there is no possibility of the appeal being taken for final hearing, that leads me to pass following order :

ORDER

A] Application is allowed. Judgment and order of conviction passed by Ad-hoc Additional Sessions Judge, Shahada in Sessions Case No.44/2013 convicting applicant for offences punishable u/s 306 and 498-A of I.P.C, shall remain suspended during the pendency of the present appeal.

B] Applicant shall be released on bail on he furnishing P.R. Bond of Rs.10,000/- (Rs.Ten thousand only) with one solvent surety in the like amount. Bail before Sessions Court.

C] The applicant shall remain personally present before this Court at the time of final hearing of appeal. With this direction, application is disposed of.

(V.M.DESHPANDE,J.)

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