

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3708 OF 2015
IN
CRIMINAL APPEAL NO.515 OF 2015

Raju s/o. Goutam Shivbhagat ..Appellant

Versus

The State of Maharashtra
and anr. ..Respondents

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Mr.R.S.Deshmukh, advocate for applicant
Mr.S.R.Palnitkar, APP for respondent no.1 - State

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CORAM : M.T. JOSHI, J.

DATE : JULY 30, 2015

PER COURT :

Heard.

2] Present applicant/appellant, who is convicted by learned Additional Sessions Judge, Basmath, for the offences punishable under Section 307 and 452 of Indian Penal Code and directed to suffer rigorous imprisonment for seven years and three years, respectively, and to deposit fine amount, along with further direction to pay compensation,

is praying for suspension of substantive sentences and for his release on bail.

3] The prosecution allegations are that present applicant/appellant has set on fire the complainant as she refused to marry him. The complainant suffered 50% burn injuries in the incident.

4] Mr.Deshmukh, learned counsel for the applicant, submits that the first history given by the complainant herself, would show that she has suffered accidental burn injuries. Besides this, the document at Exhibit 34 i.e. a letter sent by the complainant to the police station, brought in defence by the applicant, would also fortify the same.

5] In the circumstances, without going into merit of the case at this stage, finding that hearing of

appeal may take its own time, the substantive sentence of the applicant deserves to be suspended.

6] Hence, the following order :-

A] The substantive sentences of the applicant are hereby suspended during pendency of the appeal.

B] Upon deposit of the fine amount and compensation amount, if not deposited earlier, the applicant be released on bail upon his executing P.R. Bond in the sum of Rs.30,000/- (Rs.Thirty Thousand) and also upon furnishing surety in the like amount.

C] The application is allowed and disposed of accordingly.

[M.T. JOSHI, J.]