

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5264 OF 2015 IN
CRIMINAL APPEAL NO. 747 OF 2015

Dadarao S/o Kailas Giri,
Age - 32 years, Occu - Labour,
R/o - Chincholi,
At present Babhali, Tq. Kalamnuri,
Dist. Hingoli

.. Applicant
(Orig. Accused)

Vs.

The State of Maharashtra
Through Police Station Kalamnuri,
Dist. Hingoli

.. Respondent

Mr. S.B. Bhapkar, Advocate for the applicant
Mr. N.T. Bhagat, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 26/11/2015

ORAL ORDER :

Heard both sides.

2. The applicant, who has been convicted by the learned Additional Sessions Judge, Hingoli vide judgment and order dated 21/08/2015 passed in Sessions Trial No. 24 of 2013, for the offences punishable under section 498-A and 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 3 years and to pay fine

of Rs.3000/-, in default to suffer rigorous imprisonment for 3 months for the offence punishable under section 498-A of the Indian Penal Code and to suffer rigorous imprisonment for 10 years and to pay fine of Rs.5000/-, in default to suffer rigorous imprisonment for 1 year for the offence punishable under section 307 of the Indian Penal Code, is praying for suspension of the substantive sentences during the pendency of the appeal and his release on bail.

3. Submissions from both sides would show that according to the complainant i.e. wife of the applicant, she was continuously ill-treated by the applicant during her co-habitation and on 05/02/2013, in the morning the applicant set her on fire by pouring kerosene on her person.

4. Mr. Bhapkar points towards the fact that panchanama of the spot of occurrence itself would show that preparation of cooking the food was going on as the stove as well as the utensils were seen on the ground. He further points towards the fact that while the applicant-appellant was attempting to put off the fire,

he has suffered burn injuries to his hand, which according to the Medical Officer, was 1%. He submits that in-fact, the complainant-wife had suffered burn injuries while cooking the food, however, the applicant is falsely involved in the offence by her due to the marital dispute. He further submits that the present applicant-appellant is behind the bars since the date of filing of the report and has suffered imprisonment for a period of 2-1/2 years.

5. On the other hand, learned A.P.P. opposed the application.

6. Considering all the material on record and finding that the hearing of the appeal itself may take its own time, in my view, the application can be allowed. Hence, the following order:-

7. The Application is allowed.

8. The substantive sentences awarded to the applicant are hereby suspended. Upon deposit of the fine amount, if not deposited till this date, the applicant be released on bail, upon his execution of

P.R. bond in the sum of Rs.20,000/- (Rs. Twenty Thousand) and also upon furnishing surety in the like amount.

9. Hamdast granted.

10. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

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