IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5537 OF 2015
IN
CRIMINAL APPEAL NO. 227 OF 2014

Dhananajay Maruti Kavade .. Applicant
Age. 38 years, Occ. Assistant Teacher,
R/o. Washi, Tq. Washi, Dist. Osmanabad.

Versus

The State of Maharashtra .. Respondent

Mr. Joydeep Chatterji, Advocate for the applicant.
Smt.S.S. Raut, APP for respondent/State.
Mr. Ramraje Deshmukh h/f. Mr. S.V. Deshmukh, Advocate, assist to APP.

CORAM : A.V.NIRGUDE &
V.K.JADHAV, JJ.
DATED : 28.10.2015

P.C. :-

1. Heard. The Criminal Appeal is pending since last one year. Another appeal filed by the victim's father for enhancement of the sentence awarded to the applicant is also admitted and is pending. The applicant was not on bail during the trial period and thus he has undergone sentence of almost three and half years. He was convicted under section 304-B of the Indian Penal Code and was sentenced to suffer seven years' rigorous imprisonment and fine etc.

2. Learned Counsel for the victim's father asserted that if his appeal is allowed, the applicant's sentence would certainly be enhanced up to life imprisonment and therefore the applicant should not be released on bail.

3. Had the applicant's appeal been the only appeal pending before this Court, it would have been before learned Single Judge and by now the appeal would have been disposed of. The applicant did not seek bail earlier with the hope that his appeal would be taken up early and would be disposed of. Since the appeal filed by the victim's father came before this Court, there is likelihood that disposal of both these appeals would get delayed considerably. We are inclined, therefore, to release the appellant on bail. Same view is even expressed by the Supreme Court in the case of **Shailendra Kumar Vs. State of Delhi, AIR 2000 SC 3404(2)**.

4. Hence, the substantive sentence awarded to the applicant is suspended during the pendency of the appeal and the applicant be released on bail in the sum of Rs. 25000/- (Rupees Twenty Five Thousand) with one surety in like amount.

5. The Criminal Application is accordingly allowed and disposed of.

6. Liberty to move for expediting hearing of the appeal.

[V.K.JADHAV, J.] **[A.V. NIRGUDE, J.]**