

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6381 OF 2014

IN

CRIMINAL REVISION APPLICATION NO. 256 OF 2014

[Arjun @ Babru s/o Bhimrao Karad vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri S.S.Thombare, advocate for the applicant
Shri S.A.Ambad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 8th January, 2015

PER COURT :-

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

2] I have heard in extenso the learned counsel for the applicant as well as the learned A.P.P. I have also gone through the record and proceedings made available to this court.

3] The entire case of the prosecution is based on the testimony of PW 2-the prosecutrix as well as PW 3 Sindhubai. The house of Sindhubai (PW 3),

who is sister-in-law of the prosecutrix is just adjacent to the house of the prosecutrix. According to the claim of the prosecutrix as well as the claim of PW 3 Sindhubai, they were sleeping in their respective court yards in the night of the incident. If the evidence of the prosecutrix as well as Sindhubai (PW 3) is examined minutely, it is crystal clear that prima facie the evidence of Sindhubai needs to be discarded. Further Manik, who is the husband of the prosecutrix, who even according to the prosecutrix was sleeping in the court yard, is not examined by the prosecution.

4] In that view of the matter, the applicant has made out a prima facie case to release him on bail. Further, the applicant was on bail during trial as well as during the pendency of the appeal and at no point of time it is reported that he has misused the liberty granted to him. Hence, I propose to pass the following order.

ORDER

Criminal Application No. 6381 of 2014 is hereby allowed. The substantive jail sentence imposed upon the applicant by the learned II Ad hoc Assistant Sessions Judge, Ambajogai in Sessions Case No. 89 of 2004 is hereby suspended and

during the pendency of the present Revision, the applicant shall be released on bail on his executing a P.R. bond of Rs.15,000/- with two solvent sureties before the learned trial court.

Application is disposed of.

[V.M.DESHPANDE, J.]

dbm/crap6381.14