

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

**CRIMINAL APPLICATION NO. 7075 OF 2014
IN
CRIMINAL REVISION APPLICATION NO. 4 OF 2015**

CHANDRAKANT S/O SHAHURAO TONDE

V/S

THE STATE OF MAHARASHTRA

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Mr. A.N.Nagargoje, Advocate for the Applicant.

Mr. V.P.Kadam, A.P.P. for the Respondent – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 12th JANUARY, 2015

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PER COURT :

1. By the present application, the present applicant is seeking the suspension of substantive jail sentence and after releasing him on bail during the pendency of the present Criminal Revision Application.

2. On 26/12/2014, this Court observed that the applicant did not surrender to the jail authorities. Today the learned counsel for the applicant pointed out that the applicant has already surrendered before the Court below, he is already taken in custody and he is languishing in the jail.

3. This Court has already issued notice in the present matter. The applicant is convicted for the offence punishable u/ss 279, 304-A of the Indian Penal Code.

4. I heard the learned counsel for the applicant and the learned A.P.P. With their able assistance, I have gone through the impugned Judgment.

5. To me, the applicant has made out *prima facie* case to release him on bail by suspending substantive jail sentence during the pendency of the present Criminal Revision Application.

6. In that view of the matter, I pass the following order :

- [i] The present Criminal Application is hereby allowed.
- [ii] The substantive jail sentence imposed on the present applicant by the learned J.M.F.C. Kaij in S.C.C. No. 1645/2001, which is confirmed by the learned Additional Sessions Judge-2, Ambejogai in Criminal Appeal No. 19/2004 is hereby suspended.
- [iii] The applicant Chandrakant S/o Shahurao Tonde shall execute P.R. Bond of ₹ 25,000/- [Rupees Twenty Five Thousand only] with 2 solvent sureties before the trial Court.
- [iv] The applicant shall remain present before this Court at the time of its final hearing.

7. With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr. Apln. 7075.2014 in Cr. Revn.Apln. 4.2015