

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 346 OF 2015
in
CRIMINAL REVISION APPLICATION NO. 399 OF 2015

Jafar @ Hiralal Krushna Thombare & Ors. Applicants
vs.
The State of Maharashtra ... Respondent

Mr. Aniket U. Nikam, Advocate, for the applicants.
Ms. G. P. Mulekar, APP, for the State.

CORAM: SMT. SADHANA S. JADHAV, J.
DATE : 31st August, 2015.

P.C.

The applicants herein are convicted by the Assistant Sessions Judge, Nashik in Sessions Case No. 85 of 2008 for the offence punishable under Section 307 read with Section 34 of IPC and sentenced to R.I. for 5 years and fine of Rs. 2,000/- in default S.I. for 2 months vide the judgment and order dated 5.1.2009. The learned Sessions Judge has confirmed the order passed by the Assistant Sessions Judge, Nashik dated 5.1.2009 in Criminal Appeal No. 5 of 2009. Hence, this Revision Application.

2. The learned counsel for the applicant submits that the fine amount has been paid. That the applicants are taken into custody on

24.8.2015. The learned counsel submits that the substantive evidence of doctor, who examined the complainant i.e. PW-4 Dr. Ravindra Bagul would clearly show that the complainant had sustained about 12 injuries which were in the nature of contused lacerated wounds. That in the examination-in-chief itself the doctor has stated that all the injuries found on the person of the complainant were simple injuries. He has admitted that the injuries on the person of the complainant could not be caused by the knife shown to him. It was the specific case of the prosecution that the applicants had assaulted with knife. The learned counsel therefore submits that it cannot be said that the applicants had attempted to cause murder of the complainant and others. It is further submitted that the applicants were on bail during the pendency of the trial as well as during the pendency of the appeal and they have not committed breach of any conditions imposed upon them. Hence, it is prayed that the same relief be extended during the pendency of the Revision application.

3. Taking into consideration the records and proceedings and the submissions advanced across the Bar, the applicants herein deserve grant of bail during the pendency of the Revision Application.

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicants is hereby suspended. They are directed to be enlarged on bail, if not required in any other offence. Same bail, fresh bonds.

(iii) The applicants shall report to the Court of Assistant Sessions Judge at Nashik once in six months on the date given by the learned Sessions Court.

(iv) Upon failure to attend on any two consecutive dates, the prosecution shall be at liberty to file an application seeking cancellation of the bail.

Application is allowed in the above terms and disposed of.

(SMT.SADHANA S.JADHAV, J.)