

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Appeal No.111 of 2015

(Ramesh Timaji Thakare

vs.

The State of Maharashtra, through P.S.O. Babhulgaon, Yavatmal)

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

Court's or Judge's Orders

Mr. J.B. Kasat, Advocate for the Appellant.

Ms. N.P. Mehta, A.P.P. for the Respondent/State.

CORAM : PRASANNA B. VARALE, J.

DATE : APRIL 16, 2015.

Heard the learned Counsel for the appellant and the
learned A.P.P. for the respondent.

Admit.

Call for record and proceedings.

Criminal Application [APPA] No.190/2015 :

Heard.

The learned Counsel for the applicant/appellant submits that the appellant by filing appeal has raised substantial grounds in challenge to the judgment and order of conviction and sentence awarded to the appellant. He further submits that as there are contradictions, which goes to the root of the matter and making the story of the prosecution a doubtful one, the learned Additional Sessions Judge has arrived at an erroneous conclusion. He further submits that the applicant/appellant is a

labour and the sentence awarded to the appellant is of one year and three years respectively. He further submits that it will take considerable time to hear and decide the appeal. He then submits that the sentence was suspended by the learned Sessions Judge and the appellant was on bail during the trial. He submits that the appellant has not committed any breach of the conditions nor misused the liberty granted to him.

Considering the fact that the sentence awarded to the applicant, the same can be safely termed as short sentence, the learned Counsel for the applicant prays for suspension of sentence and grant of bail.

The learned A.P.P. opposes the application.

Perused the judgment and order passed by the learned Additional Sessions Judge, Yavatmal.

Considering the submission of the learned Counsel for the appellant, I am of the opinion that the appellant has made out a case for suspension of sentence and grant of bail.

In the result, the application is allowed.

The appellant be released on bail on his furnishing fresh bond in the same amount and on the same terms and conditions as they were during pendency of the trial. The substantive sentence imposed on the appellant by the trial Court shall remain suspended during pendency of the appeal.

The application stands disposed of as such.

JUDGE