

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

Criminal Appeal No.166 of 2015

(Yashwant Gopichand Chauhan

vs.

The State of Maharashtra, through Dy.S.P., A.C.B., Chandrapur)

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

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Court's or Judge's Orders

Mr. Sagar Ingle, Adv. h/f Mr. S.V. Sirpurkar, Adv. for the Appellant.
Mr. S.S. Doifode, A.P.P. for the Respondent/State.

CORAM : PRASANNA B. VARALE, J.

DATE : MAY 8, 2015.

Heard.

ADMIT.

Call for record and proceedings.

Criminal Application [APPA] No.277/2015 :

The learned Counsel for the applicant/appellant submits that the appellant has raised substantial grounds in the appeal and is having every hope of success. He further submits that the applicant was the Circle Inspector and in discharge of his duties, he removed some encroachments. The applicant also made report of removal of those encroachments to other authority i.e. the Tahsildar. The submission of the learned Counsel for the applicant is that the complainant, who was enraged of the act of the applicant, which was in discharge of his official duties, falsely implicated the applicant. The learned Counsel for the applicant further submits that though this defence was supported with sufficient material, the learned Court below failed to appreciate the evidence in proper perspective. He also

submits that the sentence awarded to the applicant/appellant is of three years and as it will take considerable period to hear the appeal, the appellant, who was enlarged on bail during the trial and has not misused the liberty granted to him, be enlarged on bail and the sentence awarded to the applicant/appellant be suspended.

I have gone through the judgment and order passed by the learned Special Judge, Chandrapur in Special (ACB) Case No.13/2001.

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

In the result, the application is allowed.

The applicant 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 applicant by the trial Court shall remain suspended during pendency of the appeal.

The application stands disposed of as such.

Hamdast is granted.

JUDGE

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