

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

**Criminal Appeal No.368 of 2015**

*(Jitendra Ramrao Chinchole*

*vs.*

*The State of Maharashtra, through P.S.O. Ner, District Yavatmal)*

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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

**CORAM : V.M. DESHPANDE, J.**

**DATE : OCTOBER 20, 2015.**

Heard Shri J.B. Kasat, learned Counsel for the applicant.

By the present appeal, the appellant-original accused No.1 is challenging his conviction for the offence punishable under Section 498-A of the Indian Penal Code by the learned Additional Sessions Judge, Yavatmal on 15/09/2015 in Session Trail No.138/2012 thereby he is sentenced to suffer rigorous imprisonment for three years.

**ADMIT.**

Ms. Trupi Udeshi, learned Additional Public Prosecutor waives service for the respondent/State.

Call for record and proceedings.

**Criminal Application [APPA] No.675/2015 :-**

Heard the learned Counsel for the applicant and the learned A.P.P. for the State.

By the present application, the applicant-appellant is seeking suspension of his substantive jail sentence by the learned Additional Sessions Judge, Yavatmal during pendency of the criminal appeal and grant of bail.

The applicant is convicted by the learned Additional Sessions Judge, Yavatmal in Sessions Trial No.138/2012, thereby he is sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.2,000/-.

The learned Trial Court has already acquitted the present applicant for the offence punishable under Sections 306 and 304-B of the Indian penal Code. The applicant has already deposited the fine amount and to that effect, his statement is also made on affidavit.

The applicant was throughout on bail and at any point of time, he has not misused the liberty granted to him. Further after the conviction, the learned Trial Court by exercising its power under Section 428 of the Code of Criminal Procedure suspended the jail sentence imposed upon the applicant for a period of one month.

Looking to the nature of the evidence, as available on record, and after having gone through the impugned judgment and also looking to the duration of the sentence imposed upon the applicant, in my view, the applicant is

entitled for bail during pendency of the present appeal.

Hence, the following order :

1. The application is allowed.
2. Substantive sentence imposed upon the applicant- Jitendra Ramrao Chinchole by the learned Additional Sessions Judge, Yavatmal on 15/09/2015 stands suspended during pendency of the appeal.
3. The applicant be released on bail on he executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount before the Trial Court.
4. The applicant shall remain present personally before this Court at the time of final hearing of the appeal.
5. With these, the application is disposed of.

**JUDGE**

*\*sdw*