

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

CRIMINAL APPLICATION NO.617 OF 2014
IN CRIMINAL APPEAL NO.514 OF 2014

(Mohan @ Babu s/o Khushal Pendam and another vs. The State of Maharashtra)

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

Shri A.D. Hazarey, Advocate for applicants.

Shri S.M. Uikey, Additional Public Prosecutor for
respondents.

CORAM : A.B. CHAUDHARI AND
 P.N. DESHMUKH, JJ.

DATED : JANUARY 15, 2015

This is an application for suspension of sentence awarded to the applicants/appellants by the trial Judge, who found applicant no.1 guilty of offences punishable under Sections 302, 307 and 324 read with Section 34 of Indian Penal Code and applicant no.2 guilty of offences punishable under Sections 302 and 307 of Indian Penal Code.

We have heard learned Counsel for the parties. Prima facie we find that there is voluminous

evidence against applicant no.1, which is ocular evidence and, therefore, we are not inclined to entertain his bail application. The criminal application filed by applicant no.1 Mohan is, therefore, rejected.

Insofar as applicant no.2 Khushal is concerned, we do not find his role at all in commission of murder and the only allegation against him is that he had assaulted Anirudha by bamboo stick on head. That being so and looking to the sentence imposed on applicant no.2 of five years for the offence punishable under Section 307 of Indian Penal Code, it will be appropriate to grant bail and suspend sentence awarded to applicant no.2 Khushal. Hence, we make the following order :

Order

Criminal Application No.617/2014 insofar as applicant no.1 Mohan @ Bapu s/o Khushal Pendam is concerned, is rejected.

Criminal Application No.617/2014 insofar as applicant no.2 Khushal s/o Rushi Pendam is concerned, is allowed. He is directed to be released on bail upon furnishing solvent security in

the sum of rupees twenty thousand with one surety in the like amount. He shall attend Police Station, Ramnagar on last Sunday of every month between 11 a.m. and 3 p.m.

JUDGE

JUDGE

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