

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY:**  
**NAGPUR BENCH : NAGPUR**  
**Criminal Application [APPA] No. 681 of 2014**  
**IN**  
**Criminal Appeal No. 563 of 2014**  
**[Akash @ Domya Arun Neware Vs. State of Maharashtra]**

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

**Court's or Judge's orders**

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Mr. A.S. Manohar, Adv., for the Applicant-Appellant.  
Mr. V.A. Thakre, APP for respondent-State.

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

**DATE : 11th February, 2015.**

This is an application for grant of bail/suspension of sentence, filed by the appellant-accused, who was convicted for offence punishable under Section 302, Indian Penal Code, and sentenced to Imprisonment for Life.

We have heard learned counsel for the appellant and respondent-State.

Learned counsel for the appellant has taken us through the evidence. We have gone through the entire evidence on record. We find from the evidence and in particular from the cross-examination that the evidence of the sole eye-witness has been thoroughly shaken. We then find that there is no other evidence on record justifying the detention of the applicant-appellant in jail during pendency of the present Criminal Appeal which has been admitted for final hearing.

Looking to the entire matter in the perspective of the possibility of the ultimate result in the appeal, we are of the opinion that the appellant deserves to be enlarged on bail by suspending the sentence awarded to him. We, however, find from the affidavit filed by the Police Station Officer dated 23rd January, 2015 that the appellant is facing some other prosecutions for house breaking in the area of his residence. We, therefore, think that the appellant should not be allowed to reside at his ordinary place of residence as a condition for grant of bail. That being so, we make the following order:-

#### ORDER

- [a]** Criminal Application No. 681 of 2014 is allowed.
- [b]** Sentence awarded to the Appellant in Sessions Case No. 145 of 2013 decided by Sessions Judge, Yavatmal, is suspended and

the appellant is ordered to be released on bail upon furnishing a Personal Bond in a sum of Rs. 10,000-00 [rupees ten thousand only] with one surety in the like amount in the Trial Court.

- [c]** The appellant shall reside within the jurisdiction of Yavatmal City Police Station, Yavatmal, and shall first get his address, identity etc., recorded with the said Police Station. The appellant shall attend the Yavatmal City Police Station on every Saturday between 11.00 a.m., and 4.00 p.m.
- [d]** Superintendent of Police, Yavatmal, to cause surveillance of the appellant on his movements during the period he is on bail.
- [e]** In case the appellant is found to have indulged in any offence, Police Station Officer, Yavatmal City Police Station is at liberty to apply for cancellation of his bail in this appeal.

**Judge**

**Judge**