

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY:**  
**NAGPUR BENCH : NAGPUR**  
**Criminal Application [APPA] No. 725 of 2014**  
**IN**  
**Criminal Appeal No. 592 of 2014**  
**[Wamanrao Ramdas Tembhurkar Vs. State of Mah.]**

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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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Mrs. Smita V. Taksande, Adv., for the Appellant.  
Mr. T.A. Mirza, APP for respondent.

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

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

This is an application for bail/suspension of sentence of life imprisonment pending hearing of the present appeal which is admitted for final hearing.

The appellant was convicted for offence punishable under Section 302 of Indian Penal Code and sentenced to undergo Rigorous Imprisonment for life. He was sentenced on the basis of circumstantial evidence, namely that he was the custodian of his wife

at the time of incident. We have perused the Judgment and Order of conviction. There is no ocular evidence in the instant case, since only eye-witness, i.e., daughter of the appellant, turned hostile.

The appellant was on bail during trial. He was convicted and sentenced on 18th December, 2012. He did not file appeal for about two years and filed the appeal late by two years along with application for condonation of delay. Thus, he is in jail since then.

The appellant has a son and elder daughter to look after. He has not misused his liberty during the trial when he was on bail. There is no possibility of tampering of evidence now. Prima facie, we find that it is a fit case for grant of bail or suspension of sentence pending decision of the appeal. Hence we make the following order:-

#### ORDER

- [a]** Criminal Application No. 725 of 2014 is allowed.
- [b]** Sentence awarded to the Appellant in Sessions Trial No. 64 of 2011 by Additional Sessions Judge, Gondia, is suspended and the appellant shall be released on bail on the same terms and conditions as in the Trial Court with a fresh surety.

**[c]** The appellant shall report to the concerned Police Station once in every fifteen days on Sunday between 11.00 a.m., and 4.-00 p.m.

**Judge**

**Judge**

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