

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

CRIMINAL APPLICATION (APPA) NO. 726/2014 IN
CRIMINAL APPEAL NO.593/2014

Anil Balaji Mande and anr.. ..vs.. The State of Maharashtra, thr. PSO Bhadrawati

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

Court's or Judge's orders.

Mr. Anup D. Hazare, Advocate for applicants.

Mr. V. A. Thakare, A.P.P. for non applicant.

CORAM: A.B. CHAUDHARI & P.N. DESHMUKH JJ.

DATE : FEBRUARY 13, 2015

Heard.

Applicant no.1 has been convicted for an offence punishable under section 302 of the IPC and applicant no.2 has been convicted for an offence punishable under section 201 r/w section 34 of the IPC, in Sessions Case No. 34/2013 by Additional Sessions Judge, Warora by judgment and order dated 01.12.2014.

This is an application for suspension of sentence and for grant of bail filed by the applicants pending final hearing of the present appeal, which has been admitted by this Court.

After hearing learned counsel for rival parties, we find that the only evidence, on the basis of which the trial court recorded conviction, is that the blood stains were found on the weapon recovered at the instance of applicant no.1 and on the gunny bag recovered at the instance of

applicant no.2 and also that that there was quarrel between the deceased and the applicants and nothing more.

In our pinion, in the absence of conclusive evidence, there is *prima facie* case made out by the applicants for grant of bail and suspension of sentence pending final disposal of the appeal. Hence, we pass the following order.

ORDER

- (i) Criminal Application No. 726/2014 is allowed.
- (ii) Pending disposal of Criminal Appeal No. 593/2014, the substantive sentence awarded by the trial Court to the applicants is suspended.
- (iii) The appellant/applicants shall be released on bail upon furnishing bail bonds in the sum of Rs.15,000/- each with one surety each in the like amount, pending disposal of the present appeal.
- (iv) The appellants/applicants shall attend Police Station, Ramnagar, Chandrapur on second and fourth Sunday from 11.00 a.m. to 4.00 p.m.

JUDGE

JUDGE