

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 137 OF 2016
IN
CRIMINAL APPEAL NO. 5 OF 2016

Vinod s/o Prabhakar Sasane,
Age : 28 years, Occu. Nil,
R/o Galli No. 2, Vishranti Nagar,
Tq. and District Aurangabad

APPLICANT

VERSUS

The State of Maharashtra
through Police Station,
Mukundwadi, Dist. Aurangabad

RESPONDENT

Mr. A.S. Shejwal, Advocate for the applicant
Mr. A.R. Kale, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 24/02/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is convicted by the learned Additional Sessions Judge, Aurangabad in Sessions Case No. 173/2014, for the offences punishable under section 304-B, 306, 498A and 323 of the Indian Penal Code, is praying for his release on bail during the pendency of the criminal appeal.

3. The learned counsel for the applicant submits that there is vast variance between the statements of the prosecution witnesses regarding the alleged statement made by the deceased to them during the cohabitation regarding the illtreatment at the hands of the present applicant who was the husband of the deceased. He submits that only due to suspicion, the applicant was falsely involved in the crime by the parental relatives of the deceased.

4. The learned A.P.P. opposed the application. He submitted that the learned Sessions Judge has sentenced the present applicant/appellant to suffer rigorous imprisonment for seven years for the offence punishable under section 304-B of the I.P. Code.

5. The learned counsel for the applicant points towards the submissions made before the trial court at the time of hearing on the point of sentence that the applicant's son is suffering from cerebral palsy. He submitted that the child is to be looked after because of his illness.

6. Considering all the material on record and

finding that the hearing in the appeal may take time, the applicant deserves to be released on bail by suspending the substantive sentences. Hence, the following order.

7. The substantive sentences awarded to the present applicant are hereby suspended till disposal of criminal appeal No. 5/2016. Upon deposit of fine amount, if not deposited till this date, the applicant be released on bail on his executing P.R. bond in the sum of Rs. 20,000/- (rupees twenty thousand) and also upon furnishing surety in the like amount.

. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

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