

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2595 OF 2016
IN CRIMINAL APPEAL NO. 313 OF 2016

SHESHRAO S/O DAGDUBA DAHIJE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Appellant/Applicant: Mr. P. P. More

APP for Respondent: Mr. A. M. Phule

CORAM : A.I.S. CHEEMA, J.

DATE : 06th May, 2016

ORDER:

1. Heard learned counsel for the applicant-original accused and learned A.P.P. for the respondent-State. Perused the record.

2. Criminal Appeal No. 313 of 2016 has been admitted. Learned counsel for the applicant-accused states that the applicant-accused has been convicted for term of three years and he has already been in prison for two and half years. Thus, request is made to release the applicant-accused on bail. The learned counsel referred to reasonings of the trial Court to submit that the applicant has arguable case as there were two injuries on the head and which injury caused the death is not specific and that the stone which was

brought before the court was not fully established to be the same instrument by which the injury was caused. The learned counsel states that the applicant would abide by any conditions put by this court.

3. Learned A.P.P. States that looking to the facts of the matter, the Court may pass any suitable order.

4. Considering the submissions made, this application for bail needs to be allowed. There is short term sentence of three years, out of which, it appears that for major portion the accused has been in jail. Judgment of the trial Court shows that accused has been in Jail since 9th January, 2014. This appeal may take time to decide and if the bail is not granted, the appeal would lose its meaning.

5. For the above reasons, the application for bail is allowed.

6.(A) During pendency of the appeal, substantive sentence of imprisonment only as imposed by the impugned order against the applicant-original accused is suspended subject to applicant furnishing Personal Release Bond and Security Bond of Rs.25,000/- (Rupees twenty five thousand) before the trial Court.

(B) The trial court, while releasing the applicant on bail, shall add condition of the accused marking presence in the trial court every three months, till disposal of the Criminal Appeal. The trial court shall yearly send report in January of marking presence by accused in this regard to this Court till disposal of the appeal.

(C) The trial court shall add further condition that the applicant-original accused shall not at any time go to the house of the complainant or pick up any quarrel with the complainant or her family members. In default, the bail bond would be liable to be forfeited.

7. Criminal application is disposed of.

(A.I.S. CHEEMA, J.)

JPC