

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

**CRIMINAL APPLICATION NO. 2725 OF 2016
IN
CRIMINAL APPEAL NO. 326 OF 2016**

Sagar @ Amol Dnyaneshwar Patil and Another ..APPLICANTS

VERSUS

State of Maharashtra ..RESPONDENT

....
Mr. A.R. Syed, Advocate h/f Mr. S.P. Brahme, Advocate for applicants.
Mr. S.Y. Mahajan, APP for respondent.
....

**CORAM : K.K. SONAWANE, J.
(VACATION COURT)
DATED : 17th MAY, 2016**

ORDER :

1. Mr. Syed, learned Counsel for the applicant submitted that the applicants were convicted for the offence punishable under Sections 306 and 201 read with Section 34 of the Indian Penal Code. The Trial Court after appreciating the evidence on record came to the conclusion that the applicants committed the crime and passed the impugned judgment and order of conviction and resultant sentence of Rigorous Imprisonment for five years and to pay fine of Rs.2,000/- each for the offence punishable under Section 306 of the India Penal Code. Applicant No.1 is also convicted for the offence punishable under Section 201 of the Indian Penal Code and

imposed the punishment of Rigorous Imprisonment for six months and to pay fine of Rs.500/-. Being dissatisfied by the impugned judgment and order of the Trial Court, the applicants rushed to this Court and preferred the present appeal to redress the grievances interalia prayed for suspension of sentence and to release the applicants on bail pending the appeal.

2. It has been submitted that during the course of trial the applicants were on bail. They have every hope of success in the appeal. Therefore, they requested that sentence be suspended and they be released on bail pending the appeal.

3. The learned APP opposed the contention put forth on behalf of applicants and submitted that the Trial Court after appreciating the evidence on record convicted the accused under Sections 306 and 201 of the Indian Penal Code. The charges against the accused are serious in nature. Therefore the learned APP requests not to grant relief in favour of the applicants.

4. Heard learned Counsel for the applicants and learned APP for State. I have gone through the relevant documents produced on record as well as the findings expressed by the learned Trial Court. Admittedly, the applicants preferred the appeal against the findings recorded by the learned

Trial Court for the conviction under Sections 306 and 201 read with Section 34 of the Indian Penal Code. The applicants were already on bail pending trial. In such circumstances, I do not find any impediment to suspend the impugned sentence passed by the Trial Court pending appeal. Hence, I proceed to pass following order:-

I) The impugned order of sentence passed by the Trial Court against the applicants in Sessions Case No. 193/2014 is hereby suspended pending the appeal.

II) In the meantime the applicants be released on bail on furnishing P.R. Bonds of Rs.20,000/- (Rupees Twenty Thousands Only) with one surety in the like amount each before the concerned Trial Court i.e. Additional Sessions Court, Dhule.

III) It is stipulated that the applicants shall regularly attend the proceedings and shall not leave the jurisdiction of this Court without prior permission. Informed the concerned Trial Court accordingly.

IV) In view of above, the Criminal Application No. 2725 of 2016 stands disposed of.

(K.K. SONAWANE, J.)

SSD