

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

CRIMINAL APPLICATION NO.3286 OF 2016 IN
CRIMINAL APPEAL NO.703 OF 2015

Bhaidas Bhimrao Sonawane ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri Girish Nagori, Advocate for applicant
Shri R.V. Dasalkar, A.P.P. for respondent/ State
.....

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

DATED: 2nd August, 2016.

ORAL ORDER :

1. Perused order dated 20.7.2016. Learned A.P.P. submits that, the State has decided not to file appeal against the judgment of acquittal under Section 306 of the Indian Penal Code.

2. Learned counsel for the applicant - accused has been heard as regards request for bail. The learned A.P.P. is also

heard. Perused the affidavit-in-reply filed by learned A.P.P. also. The sentence is a short term sentence. It is stated that, as undertrial, the applicant was on bail. Undertaking is given that the applicant would not enter Chalisgaon taluka, where the family of the victim resides, during the pendency of the Criminal Appeal. Learned counsel states that, the applicant will not trouble the family concerned in any manner during pendency of the Criminal Appeal.

3. Learned A.P.P. opposes the bail application, claiming that the modesty of the victim girl was outraged in night time.

4. Looking to the judgment of conviction and sentence, and the reasons recorded, and the fact that the appeal will take time to be decided, it would be appropriate to release the applicant on bail during pendency of the appeal subject to the undertaking.

5. The Criminal Application is allowed. The sentence of imprisonment alone as imposed by the Additional Sessions Judge, Jalgaon in Sessions Case No.133/2009 is suspended during pendency of the appeal subject to the applicant - appellant (original accused) furnishing P.R.B. and S.B. in the sum

of Rs.15,000/- (Rupees fifteen thousand) in trial Court. The applicant shall be bound by the undertaking not to enter Chalisgaon Taluka during pendency of the appeal. In case of emergency, he is at liberty to apply to the Sessions Judge, Jalgaon for permission for brief visit. The applicant shall not, in any manner, trouble the family of the victim. At the time of releasing the applicant - accused on bail, the trial Court shall add condition of accused marking presence in the trial Court every three months, till disposal of the Criminal Appeal. Trial Court shall yearly send report in January of marking presence by accused in this regard to this Court till disposal of appeal.

6. Authenticated copy permitted.

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

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