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

**CRIMINAL APPLICATION NO. 5290 OF 2016
IN CRIMINAL APPEAL NO.536/2016**

**1] DNYANESHWAR @ NANABHAU
S/O BHIKA RANDIVE**

2] BHIKA S/O GOPAL RANDIVE

3] DADABHAU S/O BHIKA RANDIVE

4] SATYABHAMABAI W/O BHIKA RANDIVE.

VERSUS

THE STATE OF MAHARASHTRA

**...
Advocate for Applicant : Deshmukh Ravindra M.
APP for Respondents: Mr.R.B.Bagul
...**

CORAM : V.L.ACHLIYA,J.

DATE : 28/09/2016

PER COURT :-

The applicants/appellants have preferred this application seeking bail during pendency of appeal.

2] Heard the learned counsel for the applicants and the learned APP for the State. Perused the judgment and order as well as copies of deposition.

3] The applicants were tried for offences punishable under Sections 307, 323, 326, 504 r.w. 34 of IPC. On conclusion of the trial, the trial Court has found applicant no.1 guilty of offence under Section 323, 326 and 504 r.w. 34 of IPC and sentenced him to suffer R.I. for 3 years. So far as applicants no.2 to 4 are concerned, they are held guilty of offence punishable under Sections 323, 504 r.w. 34 of IPC and each of them sentenced to undergo imprisonment till rising of Court and payment of fine of Rs.500/-each.

4] According to the learned counsel for the applicants, fine amount is already deposited and the trial Court has suspended the substantive sentence awarded against applicant/accused no.1 to enable him to prefer appeal. The applicant no.2 to 4 undergone the sentence awarded and also deposited the fine amount.

5] Having regard to the submissions advanced and further taking into consideration the nature of offence, sentence awarded, I am of the view that case has been made out to entertain the application to the extent of applicant/accused no.2. So far as applicants no.2 to 4 are concerned, they have already undergone the sentence till rising of Court and deposited the fine and hence no interim order to be passed as to suspension of sentence and release on bail. Hence following order :

ORDER

i] Pending disposal of appeal, substantive sentence awarded against the applicant no.1 stands suspended. Pending disposal of the appeal he be released on furnishing fresh bail in the sum of Rs.25,000/- with one surety in the like amount on condition that he shall report the concerned police station once in a month i.e. on last Sunday in between 10 to 11 a.m. to record his appearance.

ii] The applicant no.1 shall furnish names and addresses of his three close relatives.

iii] In view of substantive sentence awarded to applicants no.2 to 3, being already executed and fine amount deposited, no order to be passed as to suspension of sentence and released on bail.

6] Application stands disposed of.

(V.L.ACHLIYA,J.)

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