

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

**CRIMINAL APPLICATION NO.5424/2016 IN
CRIMINAL APPEAL NO. 550 OF 2016**

**DADARAO @ ANIL BHAGWAN UJGARE
VERSUS
THE STATE OF MAHARASHTRA**

**...
Advocate for Applicant : Salunke Sudarshan J
APP for Respondents: Mrs.P.V.Diggikar**

...

CORAM : V.L.ACHLIYA,J.

DATE : 30/09/2016

PER COURT :-

Heard, Perused the impugned judgment and order.

2] The trial Court has convicted applicant for committing offence under Section 307 and 498-A of IPC and sentenced to undergo rigorous imprisonment for 3 years and fine of Rs.1000/- for each of the offence. Both the sentences have been ordered to run concurrently. The trial Court has further ordered that the set off be given as contemplated under Section 428 of Cr.P.C., for the period during which the applicant remained as under trial prisoner.

3] The learned counsel for the applicant submitted that out of

sentence of 3 years, the applicant has already spent 17 months in the prison. He further submits that looking to the sentence awarded, it is desirable that the applicant be released on bail. He further submits that the trial Court has suspended the sentence and released the applicant in order to enable the applicant to prefer an appeal.

4] The learned APP has opposed the application with contention that applicant has indulged into ghastly act of assaulting his wife and injuries inflicted are grievous in nature.

5] Having appreciated the submissions advanced and further taking into consideration the nature of offence, sentence awarded and the period of 17 months already spent by applicant, I am inclined to allow this application. Hence following order :

ORDER

I] Pending disposal of the application, substantive sentence stands suspended on condition of deposit of fine amount.

II] Pending disposal of appeal, the applicant be released on same bail subject to execution of fresh bail bond and on condition that applicant shall attend police station Wadvani, Dist.Beed on first day of each month in between 10 to 11 a.m. to record his attendance. He shall furnish names, addresses and phone numbers of his 3

close relatives and further intimate changed address in the event if there is any change in residential address of the applicant.

III] The applicant shall not indulge into act of causing any threat to the complainant and other witnesses and further shall not indulge into any criminal activities.

IV] In case of breach of any of the conditions, the bail granted shall be liable to be cancelled.

(V.L.ACHLIYA,J.)

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