

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

**CRIMINAL APPLICATION NO.5727 OF 2016
IN
CRIMINAL APPEAL NO.594 OF 2016**

Machhindra Vitthal Deokar .. Appellant

Versus

The State of Maharashtra .. Respondent

Mr.Sudarshan J. Salunke, Advocate for the applicant
Mrs. P.V.Diggikar, APP for the respondent/State

**CORAM : V.L.ACHLIYA, J.
DATED : 17.10.2016**

P.C. :-

1. The applicant has moved this application seeking bail pending disposal of appeal on the grounds set out in detailed in the application.

2. Heard learned counsel for the applicant and the APP for the State. Perused the impugned judgment and copies of depositions placed on record. The applicant alongwith six other family members were tried for committing offence punishable u/s 498-A, 306, 504 r/w 34 of the I.P.C. On conclusion of trial the learned Additional Sessions Judge has acquitted all the accused except the applicant/ accused No.1-husband of deceased.

In the nutshell it is the contention of the learned counsel for the applicant that there is no evidence much less to sustain the conviction u/s 498-A and 306 of the I.P.C. The applicant was on bail during the trial. It will take much time to hear the appeal on merit.

2. Learned APP has opposed the application with contention that the prosecution has adduced sufficient evidence and there is no case to entertain the application.

3. Having appreciated the submissions advanced in the light of judgment and copies of deposition I am of the view prima-facie case is made out to entertain the application. The applicant is convicted u/s 498-A and sentenced to undergo R.I. for three years and fine of Rs. 1000/-. For committing offence u/s. 306 the applicant is sentenced to suffer R.I. for five years and pay fine of Rs.500/-. The applicant was on bail during the trial. It will not possible to list the appeal for final hearing looking to the pendency of large number of old cases. I am therefore inclined to allow the application. Hence the following order.

ORDER

- i. Application is allowed.
- ii. Pending disposal of appeal the execution of substantive sentence stands suspended.
- iii. Pending disposal of appeal the applicant be released on bail on his furnishing fresh bail bond in the sum Rs.50,000/-with one surety in the like amount on following conditions.
 - (a) Applicant shall mark his attendance before the Majalgaon Police Station (Rural) on 1st day of each month between 10 a.m. to 11 a.m.
 - (b) The applicant shall furnish the names and addresses of their 3 close relatives with phone numbers.
 - (c) The applicant shall not cause threat to complainant and other prosecution witnesses.
 - (d) In the event of change in address the

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applicant shall intimate concerned police station as well as this court.

iv. In the event of breach of any of the conditions, the bail granted to the applicant shall be liable to be canceled.

[V.L.ACHLIYA, J.]