

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

**CRIMINAL APPLICATION NO.6040 OF 2016
IN
CRIMINAL APPEAL NO.655 OF 2016**

Arjun S/o. Laxman Waval .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.Amol R. Gaikwad, Advocate for the applicant
Mr.S.P.Tiwari, APP for the respondent/State

**CORAM : V.L.ACHLIYA, J.
DATED : 26.10.2016**

P.C. :-

1. Heard learned counsel for the applicant and APP for the respondent/State. Perused the impugned judgment and order.

2. The applicant was tried for committing offence u/s. 307, 326, 504, 506 of the Indian Penal Code r/w 3, 25 of the Indian Arms Act.

3. On conclusion of the trial the applicant held guilty of committing offence u/s. 324 of the I.P.C. and sentenced to suffer R.I. for 2 years and to pay fine of Rs.2000/- i/d to undergo S.I. for six months. Being

aggrieved the applicant has preferred this appeal.

4. Learned counsel for the applicant submits that the trial court has suspended the sentence to enable the applicant to prefer the appeal and seek appropriate order from this Court. He submits that during the trial the applicant was on bail. It will take long time to hear the appeal.

5. Learned APP has opposed the application with contention that there is strong case against the applicant and there is every likelihood that the applicant may abscond.

6. Having regard to submissions advanced and taken note of the nature of offence, sentence awarded and during the trial the applicant was on bail, I am inclined to allow the application. Hence the following order.

O R D E R

i] Application is allowed in terms of prayer clause (B).

ii) Pending disposal of the appeal, execution of substantive sentence of imprisonment stands suspended.

iii) Pending disposal of the appeal, the applicant be released on furnishing fresh bail in the sum of Rs.25,000/- with one surety in the like amount, on the following conditions:

a) Pending disposal of appeal the applicant shall appear and record his appearance before the Officer In-charge of Talwada, Police Station, Tq. Georai, Dist. Beed on last Sunday of every month in between 10 to 11 a.m.

b) The applicant shall furnish the names and addresses of his three close relatives with their phone numbers.

c) The applicant shall not cause threat to the complainant and other prosecution witnesses.

d) The applicant shall not indulge into the act of commission of similar offence during pendency of appeal.

iv) In the event of non observance of any of the conditions of bail, the prosecution will be at liberty to move an application for cancellation of bail.

V) Bail to be furnished in the trial Court.

[V.L.ACHLIYA,J.]