

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.73 OF 2016

IN

CRIMINAL APPEAL NO.1039 OF 2015

NITIN PURUSHUTAM AROLE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Shri Debajyoti Talukdar, Advocate for the Applicant.

Shri V.B.KondeDeshmukh, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 13th APRIL 2016.

P.C. :

1 Heard.

2 The appeal filed by the applicant, challenging his conviction and the sentences imposed upon him, has already been admitted. By the present application, the applicant prays that the substantive sentences imposed upon him be suspended during the pendency of the appeal, and he be released on bail.

3 I have gone through the evidence of the victim recorded in the course of trial. I have also gone through the evidence of PW2, PW3, PW4 and PW5, who were also studying in the class of the applicant.

4 Shri Debajyoti Talukdar, the learned counsel for the applicant, submits that, the applicant was on bail during the trial, and that, since now he is in custody for about 8 months, he be released on bail.

5 I find that the highest substantive sentence imposed upon the applicant is of Rigorous Imprisonment for 4 years.

6 I have gone through the evidence of the prosecution witnesses, as also the defence witness, and after considering the nature of contentions advanced, I am of the opinion that this is not a fit case where the substantive sentences imposed upon the applicant should be suspended during the pendency of the appeal.

A thorough and meticulous scrutiny of the entire prosecution evidence, as also the defence evidence, can be done only at the time of final hearing of the appeal.

7 The application is rejected.

 However, the hearing of the appeal is ordered to be expedited.

8 Liberty to the applicant to apply afresh for suspension of sentence, in the event of the appeal not being taken up for final hearing by 30th July 2016.

(ABHAY M. THIPSAY, J.)