

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 605 OF 2016

IN

CRIMINAL APPEAL NO.339 OF 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Aniket Nikam for the Applicant.

Smt. G.P.Mulekar, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 02nd August, 2016

P.C.

This is an application for suspension of sentence and for releasing the applicant on bail.⁶⁵

2) The applicant is convicted under Section 304 (Part-I) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for seven years and to pay compensation of Rs.2.00, lacs in default to suffer further rigorous imprisonment for one year by the learned Sessions Judge, Nashik in Sessions Case No.235/2012 by its Judgment and order dated 30.3.2016.

3) The learned counsel for the applicant submitted that there are material contradictions in the evidence of P. W. Nos. 17 and 18 who are the police officers and carried out the investigation. He further submitted that the applicant was on bail during the trial and did not violate any of the conditions of the bail order. He therefore, prayed that the applicant may be released on bail by imposing appropriate condition.

3) I have perused the evidence of P.W. 17 and P.W.18, the Police Officers who were attached to Ambad police station. Prima facie, it appears that there are material contradictions in their evidence. The applicant was on bail during the trial and there is no report that he violated any of the conditions of the bail order. In view of the same, I am inclined to release the applicant on bail.

4) Hence, the following order.

a) The applicant be released on bail on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) Before his release on bail, the applicant shall deposit the entire compensation amount of Rs.2.00 lacs in the Trial Court if not deposited earlier.

c) If the applicant fails to deposit the compensation amount this order will not come into effect and the applicant shall not be released on bail.

d) After his release from jail, the applicant shall attend the Trial Court once in three months on every first Monday between 11.00a.m. to 2.00p.m.

e) Any two consecutive defaults in attending the Trial Court will attract the provisions of cancellation of bail.

f) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)