

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.653 OF 2016
IN
CRIMINAL APPEAL NO.372 OF 2016

Kamal Jalindar Sabale	 Applicant
V/s.	
State of Maharashtra, Through PSO, Mohol Police Station, Tal. Mohol, Dist. Solapur	 Respondent

Mr. A.B. Tajane for the Applicant.

Ms. S.D. Shinde, A.P.P., for the Respondent-State.

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 22ND DECEMBER 2016.

P.C. :

1. Heard learned counsel for the Applicant and learned A.P.P. for the Respondent-State.

2. This application is taken out by original Accused No.1 for bail, during the pendency of the above Appeal. The applicant, who is original Accused No.1, and original Accused No.2, by the impugned Judgment and Order dated 19th March 2016 passed by the Additional Sessions Judge-4, Solapur in Sessions Case No.33 of 2012, came to be convicted for an offence punishable under Section 302 r/w. Section 34 of IPC and sentenced to suffer life imprisonment and to pay fine of Rs.5,000/-, each, in default to suffer further S.I. for six months.

3. The applicant is convicted on the basis of sole evidence of PW-5 Mangal Pawar. We have perused the observations made in paragraph No.23 of the impugned Judgment and Order. Prima facie, we are satisfied that the Applicant deserves to be released on bail.

4. In the above circumstances, the Applicant - Kamal Jalindar Sabale is released on bail on the same terms and conditions, as were imposed on the Applicant, when she was earlier released on bail during the pendency of the trial. The sentence imposed on the Applicant is suspended.

5. The application is allowed in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]