

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Criminal Application (APPA) No. 249/2016

in

Criminal Appeal No. 127/2016

**(Laxman @ Bichchu s/o Guru Shiwardkar .vs. The State of Maharashtra,
through PSO Khadan, P.S. Murtizapur)**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. Mahesh Mourya, Advocate for Applicant/Appellant.
Mr. N.B. Jawade, APP for Respondent/State.

CORAM : B.R. Gavai & V.M. Deshpande, JJ.
DATED : June 06,2016.

1. By the present application, the applicant who has suffered conviction in Sessions Trial No. 9 of 2014 and is sentenced to suffer imprisonment for life by the learned Additional Sessions Judge, Akola, is seeking his release on bail during the pendency of the present appeal after suspending the substantive jail sentence.

2. Heard Shri Mahesh Mourya, the learned counsel for the applicant and Shri N.B. Jawade, the learned Additional Public Prosecutor for the State. The deceased was wife of the present applicant. Admittedly, their marriage took place prior to 15 years ago the date of the incident i.e. 10.10.2013. It is also admitted position that the couple was having three children, i.e. two sons and one daughter who is already married. However, none of them are examined throwing light on their relations. Deceased Meena's dying declaration was recored by the Executive Magistrate and the same is at Exh.38. The contents of Exh.38 the sacrosanct

document does not show that the declarant has admitted that the contents of Exh.38 are true. That itself is sufficient to grant bail in favour of the present applicant. Further, it appears that the clothes which contains kerosene residue were not seized from the person of the present applicant.

3. The applicant, therefore, in our view has made out a *prima facie* case to get himself released on bail. Hence the following order:-

(i) The substantive jail sentence imposed upon the applicant in Sessions Trial No. 9 of 2014 stands suspended during the pendency of the present appeal.

(ii) The applicant be released on bail on his executing a P.R. Bond of Rs.5000/- with two solvent sureties of the like amount.

(iii) The applicant shall attend Khadan Police Station, Murtizapur once in a month, preferably on a last Sunday of every month in between 3 p.m. and 5 p.m. Two consecutive default of the said condition shall give liberty to the State to file an application for cancellation of bail.

4. With this , the application is allowed and disposed of.

JUDGE

JUDGE

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