

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

**CRIMINAL APPLICATION (appa) No. 820 of 2015
(In Cri. Appeal No. 473/15)**

Shyamsunder s/o Kanhu Raut

v.

State of Maharashtra

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

Courts's or Judge's orders

**Coram : B.P .Dharmadhikari and
V.M.Deshpande, JJ.**

Date : 01st MARCH, 2016.

Heard Advocate D.G. Patil, learned counsel for the applicant and Shri Ahirkar, learned APP, for the State on the application for suspension of sentence and for grant of bail.

2. The applicant is convicted by the learned Additional Sessions Judge, Chandrapur, on 22.9.2015 in Sessions Case No. 72/14. The F.I.R. is lodged by Kavita, wife of deceased. As per the first information report and her evidence, there was a dispute in between the two brothers on account of agricultural property and on the day of incidence a

quarrel took place amongst the two brothers. In that, initially a stone was pelted by the present applicant and thereafter the applicant had dealt stick blow on the person of the deceased and when Kavita tried to intervene in the quarrel she also received injury.

3. Post mortem report is at Ex.35. Perusal of post mortem report would reveal that except injury no. 4, all other injuries were simple in nature. Kavita, wife of deceased, was immediately sent for medical examination and her medical report is at Ex.50. The medical report shows that there was no injury at all on the hands of Kavita, as claimed by her.

4. In view of the overall evidence it appears that prima facie, on the spur of moment, a quarrel erupted in between the two brothers and in that the applicant has dealt stick blow. In view of this, the offence may be scaled down to a lesser offence. Therefore, the applicant has made out a prima facie case for grant of bail in his favour.

5. Criminal application is allowed. Substantive jail sentence imposed upon the applicant by the trial Court on 22.9.2015 in Sessions Case No.72/14 stands suspended during the pendency of present appeal. Applicant be released on bail on his executing P.R.Bond of Rs.10,000/- with two solvent sureties in like amount. The applicant shall, during the pendency of present appeal, attend the Court of Additional Sessions Judge, Chandrapur, on third Wednesday of every month. The applicant shall not try to intimidate any of the prosecution witnesses. The applicant shall remain

present before this Court at the time of final hearing of the appeal.

JUDGE

JUDGE

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