

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 124 OF 2017
IN
CRIMINAL APPEAL NO. 10 OF 2017**

DNYANOBA S/O BHURAO WANTE

VERSUS

THE STATE OF MAHARASHTRA

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Mr. D.J.Patil, Advocate for Applicant.

Mr. K.N.Lokhande, A.P.P. for Resp. - State.

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CORAM : V.L.ACHLIYA, J.

DATE : 10th JANUARY, 2017

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ORAL ORDER :

1. Learned A.P.P. waives notice for the respondent.

2. Heard the learned counsel for the applicant and the learned A.P.P. Perused the application and impugned Judgment and order.

3. The applicant was tried for committing the offence punishable u/s 304 of the Indian Penal Code and Section 135 of the Electricity Act, 2003. On conclusion of the trial, the applicant is held guilty of the offence punishable u/s 135 of the Electricity Act, 2003 and sentenced to suffer rigorous imprisonment for 3 months and to pay fine of Rs. 2,000/-. Being aggrieved, the applicant has preferred Appeal. Pending disposal of the Appeal, the applicant has prayed for suspension of sentence and releasing him on bail.

4. On due consideration of the submissions advanced, the quantum of sentence awarded and challenges raised in the Appeal, I am inclined to allow the application.

Hence, the following order :

[i] Pending disposal of the Appeal, the substantive sentence stands suspended subject to deposit of fine amount.

[ii] Pending disposal of the Appeal, the

applicant be released on his furnishing bail in the sum of Rs. 25,000/- [Rupees Twenty Five Thousand] with one surety in the like amount on the following conditions.

[a] Pending disposal of the Appeal, the applicant shall attend police station Nilanga, district Latur once in a month on last day of each month.

[b] The applicant shall not indulge into any offence of similar nature during the pendency of the Appeal.

[c] The applicant shall furnish the names of his 3 close relatives with their addresses and phone numbers.

[iii] In the event of breach of any of the conditions of bail, the bail granted to the applicant will be liable to be cancelled.

[iv] Bail be furnished in the trial Court.

[V.L.ACHLIYA, J.]

KNP/Cr. Apln. 124.2017 in Cr.Appeal 10.2017