

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

**CRIMINAL APPLICATION NO.346 OF 2017
IN
CRIMINAL APPEAL NO.29 OF 2017**

Mr. Kishor Tukaram Khandare .. Applicant

Versus

The State of Maharashtra .. Respondents

Mr. Nilesh Ghanekar, Advocate for the applicant
Mr.K.N.Lokhande, APP for the respondent/State

**CORAM : V.L.ACHLIYA, J.
DATED : 20.01.2017**

P.C. :-

1. The applicant has moved this application seeking suspension of execution of substantive sentence and release of applicant on bail during pendency of the appeal.

2. The learned counsel for the applicant submits that there is no evidence to sustain the conviction. He further submits that the maximum conviction awarded is of three years. During the trial the applicant was on bail. It will take long time to take up the matter for final hearing.

3. Learned APP has opposed the application with contention that there is a strong case against the applicant to establish his complicity in commission of offence. He further submits that looking to the nature of the offence & the act committed by the applicant, the applicant may not be released on bail.

4. Having appreciated the submissions advanced in the light of impugned judgment and order and further taken note of the prosecution case the evidence adduced and reasons findings recorded by the trial Court and conviction awarded, I am of the view pending disposal of the appeal the substantive sentence deserves to be suspended and applicant be released on bail. Hence I am inclined to allow the application, and pass the following order.

O R D E R

i. Application is allowed in terms of prayer clause (B).

ii. Pending disposal of appeal the applicant namely Kishor Tukaram Khandare be released on bail on furnishing bail bond in the sum of Rs.50,000/- with one surety in the like amount on following conditions.

(3)

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(a) Applicant shall mark his attendance before the Police Station Officer, Police Station Hingoli (Rural), Tq. & Dist. Hingoli on last day of each month between 10 a.m. to 11 a.m. till the final disposal of the appeal.

(b) The applicant shall furnish the names and addresses of his 3 close relatives with phone numbers.

(c) The applicant shall not cause threat to complainant and other prosecution witnesses.

(d) In the event of change in address the applicant shall intimate concerned police station as well as this court.

iii. In the event of breach of any of the conditions, the bail granted to the applicant shall be liable to be canceled.

iv. Bail to be furnished in the trial Court.

v. The Police Station Officer, Police Station Hingoli (Rural), Tq. & Dist. Hingoli is directed to submit the report of compliance of conditions of bail after every six months.

[V.L.ACHLIYA, J.]