

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

**CRIMINAL APPLICATION NO.1020 OF 2017 IN
CRIMINAL APPEAL NO. 99 OF 2017**

**UMAJI RAMBHAJI KHARAT
VERSUS
THE STATE OF MAHARASHTRA**

**...
Advocate for Applicant : Sawant Amol S.
APP for Respondent State: Mr.K.D.Mundhe**

...

CORAM : V.L.ACHLIYA,J.

DATE : 03/03/2017

PER COURT :-

The applicant has moved this application seeking suspension of sentence and enlargement of the applicant on bail during pendency of appeal on the grounds set out in detail in the memorandum of appeal.

2] Heard learned counsel for the applicant and learned APP for the State. Perused the impugned judgment and order passed by the trial Court. The applicant-appellant was tried for offences under Sections 326, 325, 324, 323, 504, 506, 427 read with Section 34 of IPC and Section 37(1) (3) read with Section 135 of Bombay Police

Act. On conclusion of trial, the learned JMFC, Kopargaon acquitted the accused. Being aggrieved, the State Government has preferred an appeal which was partly allowed and the applicant is held guilty for offence under Section 324 IPC and sentenced to undergo R.I. for six months and pay fine of Rs.5000/-. Being aggrieved, the appellant has preferred this appeal. Having regard to the submissions advanced, the nature of offence, the sentence awarded and there are two conflicting decisions of the Courts below, on facts, I am inclined to entertain the application to enlarge the applicant on bail. Hence the following order :

ORDER

(1) Pending disposal of the appeal, the execution of substantive sentence stands suspended from the release of applicant subject to deposit of fine amount by the applicant.

(2) Pending disposal of the appeal, the applicant Umaji Rambhaji Kharat be enlarged on bail on his furnishing bail in the sum of Rs. 25000/- (Rupees Twenty Five Thousand) with one surety in the like amount, on following conditions.

(i) Pending disposal of the appeal, the applicant shall attend Police Station Kopargaon, Tq.

Kopargaon, Dist. Ahmednagar, on last day of each month in between 10:00 to 11:00 AM.

(ii) The applicant shall not indulge into any offence of similar nature during the pendency of the Appeal.

(iii) The applicant shall furnish the names of his three close relatives with their addresses and phone numbers.

(3) Bail be furnished in the trial Court within a period of three weeks from the date of this order, else the order passed stands vacated.

(4) In the event of breach of any of the conditions as above, the bail granted to the applicant will be liable to be cancelled.

(5) The Officer In-charge of the Police Station Kopargaon, Tq. Kopargaon, Dist. Ahmednagar, is directed to submit the report of compliance of conditions of bail after every six months.

(V.L.ACHLIYA,J.)

umg/