

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

**CRIMINAL APPLICATION NO.1280/2017 IN
CRIMINAL APPEAL NO. 105 OF 2017**

**BALU @ HANUMANT PRAKASH BHOSALE
VERSUS
THE STATE OF MAHARASHTRA**

**...
Advocate for Applicant : Mr.S.R.Zambare h/f Gaware Niteen V.
APP for Respondents: Mr.P.N.Kutti**

...

CORAM : V.L.ACHLIYA,J.

DATE : 10/03/2017

PER COURT :-

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

2] In nutshell, it is the contention of learned counsel for the applicant that the applicant was tried for committing offences under Sections 307, 353, 323, 504, 506 read with Section 34 of IPC. On conclusion of trial, the applicant is convicted for said offences. For committing offence under Section 307 of IPC, the trial Court has sentenced the applicant to suffer R.I. for 3 years. The trial Court has suspended the sentence to enable the applicant to prefer appeal. The learned counsel submits that the judgment and order of conviction is not sustainable in law for the sole reason that there is no evidence sufficient to convict the appellant. He submits that the

nature of injuries found on the body of the injured were simple in nature. In para 22 of the judgment, the trial Court has observed to that effect. In spite of that, the trial Court has convicted the appellant under Section 307 of IPC.

3] Considering the nature of offences, the sentence awarded and further taking into consideration that during the trial, the applicant was on bail and trial Court has suspended the sentence in order to enable the applicant to prefer appeal, I am inclined to allow the application. Hence following order.

ORDER

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

(II) Pending disposal of the appeal, the applicant be enlarged on bail on his furnishing bail in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with one surety in the like amount, on following conditions.

- (i) Pending disposal of the appeal, the applicant shall attend Karjat Police Station, 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.

(III) 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.

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

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

(V.L.ACHLIYA,J.)

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