

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 1414 OF 2017
IN
CRIMINAL APPEAL NO. 853 OF 2017**

Devidas Namdeo ChandanshivApplicant
Versus
The State of MaharashtraRespondent

Mr. Sachin R. Pawar for the applicant.
Mr. H.J. Dedhia, APP for the State.

***CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 14th NOVEMBER, 2017***

P.C. :

1. The applicant herein was an accused no.1 in Sessions Case No. 262 of 2013 on the file of District Judge-5 and Additional Sessions Judge, Nashik. By this application, the applicant herein has sought suspension of execution of substantive sentence imposed vide judgment dated 15th September, 2017 in the said case and has prayed for release on bail.

2. Heard Mr. Sachin Pawar, learned counsel for the applicant and Mr. H.J. Dedhia, learned APP for the State. Perused the record and considered the submissions advanced by the learned Counsels for the respective parties.

3. The applicant herein was convicted for offences under Sections

307, 341, 385, 387 r/w. 34 of the Indian Penal Code. The maximum sentence imposed on the applicant is of five years rigorous imprisonment. It is also stated that the applicant is in custody since last two years. In case, the execution of sentence is not suspended, the appeal itself would be rendered infructuous.

4. Considering the above facts so also the nature of allegations and the evidence in support thereof, in my considered view, this is a fit case to suspend execution of substantive sentence pending the disposal of appeal on merits. Hence, the order :-

- (i) The Criminal Application No. 1414 of 2017 is allowed.
- (ii) The execution of substantive sentence in Sessions Case No. 262 of 2013 vide judgment dated 15th September, 2017 is suspended till the disposal of appeal on merits.
- (iii) The applicant is ordered to be released on bail on furnishing fresh bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount, to the satisfaction of Additional Sessions Judge, Nashik.
- (iv) The applicant shall not enter the jurisdiction of Bhadrakali Police Station till the disposal of appeal on merits.
- (v) The applicant shall furnish his permanent as well as temporary address and his contact number and shall intimate change of address

and contact number, if any, to the Investigating Officer as well as to the concerned court.

(vi) The applicant shall be released from jail provided he is not in custody in any other crime or case.

(SMT. ANUJA PRABHUDESSAI, J.)