

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO.722 OF 2016
IN
CRIMINAL APPEAL NO.314 OF 2016

Manish Sadavarte, Lakadgang Nagpur (In jail)

-vs-

State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri C. R. Thakur, Advocate for applicant.

Shri R. S. Nayak, Addl. PP for non-applicant/State.

CORAM : B. R. GAVAI &

A. S. CHANDURKAR, JJ.

DATE : January 18, 2017

This application is filed by the applicant for suspension of sentence and grant of bail during pendency of the appeal.

The applicant is the original accused No.9. Perusal of evidence of the witnesses reveals that rest of the accused except accused Nos.1,2 and 9 were assaulting the deceased. It is the further prosecution case that at that time accused Nos.1 and 2 and present applicant came in Maroti car. Accused Nos.1 and 2 got down from the car and assaulted the deceased with weapon. However no specific role is attributed to the present applicant. On the contrary, from the evidence of the

witnesses it will reveal that he was sitting in the vehicle. It is not the case of the prosecution that the applicant had assaulted the deceased.

Accused No.2 who has been attributed specific role of assault has been acquitted by the learned trial Judge. The applicant was on bail during the trial. It is not the case of the prosecution that he has misused his liberty.

As such we are inclined to allow the application for suspension of sentence. Hence during the pendency of the appeal, the applicant is directed to be released on bail on the same terms and conditions on which he was on bail during the trial however on fresh bail bonds.

Criminal application is disposed of.

JUDGE

JUDGE