

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.866 OF 2018

IN

CRIMINAL APPEAL NO.707 OF 2018

Shri.Raosaheb Dadu Khot ... **Applicant**

V/s.

The State of Maharashtra & Anr. ... **Respondents**

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Mr.P.D.Pise, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 23rd AUGUST 2018.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him.

2 The applicant/accused is convicted of the offences punishable under Sections 307 and 498-A of the Indian Penal Code. For the offence punishable under Section 307 of the Indian Penal Code, he is sentenced to suffer rigorous imprisonment for five years and for the offence punishable under Section 498-A of the Indian Penal Code, the applicant/accused is sentenced to

suffer rigorous imprisonment for one year. Substantive sentences are directed to run concurrently.

3 Heard the learned Advocate appearing for the applicant as well as the learned Additional Public Prosecutor appearing for the respondent/State.

4 The learned Additional Public Prosecutor opposed the application by contending that the crime in question is serious and the applicant/accused has tried to incinerate his first wife because of domestic dispute.

5 I have carefully considered the submissions so advanced by both the parties and also perused copies of depositions of prosecution witnesses as well as the impugned Judgment and Order of conviction and resultant sentence.

6 It is case of the prosecution that the applicant married victim P.W.No.2 Rupali in the year 2002 and thereafter in the year 2005, he married co-accused Sindhutai. There used to be frequent quarrels between the applicant and P.W.No.2 Rupali. The applicant was not providing food and necessities to P.W.No.2 Rupali. She deposed that on the day of the incident, the applicant came from backside, poured kerosene on her person and set her ablaze. She further deposed that the applicant himself along with the neighbourers extinguished the fire and took her to the hospital.

7 D.W.No.2 Dr.Sunil Patil, Casualty Medical Officer with Civil Hospital, Sangli is examined as defence witness. His evidence supported by the contemporaneous medical record shows that the first version of the incident before the Medical Officer given by P.W.No.2 Rupali was that of sustaining accidental burns while cooking.

8 Considering the nature of evidence against the applicant/accused as well as the fact that short sentence of imprisonment for five years has been imposed the applicant/accused and the appeal filed by him may not be heard within the short period. Hence, the Order :

ORDER

- (i) The application is allowed
- (ii) The substantive sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to be released on bail on his executing P. R. Bond of Rs.15,000/- and on furnishing surety in the like amount.
- (iii) As a condition of this Order, the applicant/accused should not repeat commission of similar offence in future.
- (iv) The application is disposed of accordingly.

(A.M.BADAR J.)