

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.136 OF 2018

IN

CRIMINAL APPEAL NO. 75 OF 2018

Rajendra S. Jadhav vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.P. Mundergi, Sr. Advocate i/by H. Mundergi for the Applicant.

Ms. V.S. Mhaispurkar, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 4th April, 2018

P.C.

1. This is an application for suspension of sentence and for releasing the applicant on bail.
2. The applicant is the original accused No.1. The applicant is convicted under Section 307 read with 34 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs.10,000/- in default, to suffer further rigorous imprisonment for six months by the learned Additional Sessions Judge, Kolhapur in Special Case No.203 of 2013 by its Judgment and Order dated 15.1.2018.
3. The learned counsel appearing for the applicant submitted that the applicant has already deposited the fine

amount in the registry of the Trial Court.

4. The evidence on record indicates that the Medical Officer in his testimony has nowhere deposed that the injuries suffered by the injured witnesses namely Kiran and Pravin were dangerous to life in normal circumstances if they would not have been given medical treatment promptly. The record further indicates that the applicant was on bail during the pendency of the trial and there is no report of breach of any of the bail conditions.

5. As the maximum sentence imposed upon the applicant is of five years of rigorous imprisonment and the possibility of appeal being heard on merits in near future is remote, I am inclined to suspend the sentence and release the applicant on bail during the pendency of the appeal.

Hence, the following order.

- a) During the pendency of the present appeal, the substantive sentence imposed upon the applicant is suspended.
- b) During the pendency of the present appeal, the applicant be released on bail in Sessions Case No.203 of 2013 on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- c) During the pendency of the appeal, the applicant shall

mark his presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00 p.m. If the said first Monday is Court holiday/public holiday the applicant shall mark his presence on immediate next day.

d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)