

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

**CRIMINAL APPLICATION NO.159 OF 2018
IN
CRIMINAL APPEAL NO.158 OF 2018**

Rajaram Bhiku Gharatkar .	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Abhijeet Deshmukh for the Applicant.
Ms. R.M. Gadhvi, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 22nd MARCH, 2018

P.C.:

This is an application for suspension of sentence and for releasing the applicant on bail.

2. The applicant is convicted under Section 307 of Indian Penal Code and sentence to suffer rigorous imprisonment for five years and to pay fine of Rs.2,000/- in default of payment of fine to further undergo simple imprisonment for four months by the learned Additional Sessions Judge, Khed, Tal.Khed, Dist.Ratnagiri in Sessions Case No.05/2012 by its Judgment and Order dated 26.05.2017.

3. The learned counsel for the applicant submitted that, the applicant

has already deposited the fine amount in the Registry of the Trial Court. He submitted that, as of today the applicant has undergone actual imprisonment for more than 11 months. He further submitted that, during the pendency of the trial, the applicant was released on bail and there is no report of breach of any of the bail conditions.

4. In view of the above and as the maximum sentence imposed upon the applicant is five years, I am inclined to release the applicant on bail.

Hence, the following order.

(a) The applicant be released on bail in Sessions Case No.05 of 2012 arising out of C.R.No.20 of 2011 registered with Khed Police Station, Ratnagiri on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(b) 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 Monday is Court holiday/public holiday the applicant shall mark his presence on immediate next date.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)