

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

CRIMINAL APPLICATION NO.179 OF 2017

Mr. Kashinath Babu Gaikwad

... Applicant

V/s.

The State of Maharashtra & Ors.

... Respondents

Smt. Sandhya Nanavare for the Applicant.
Ms. R.M. Gadhvi for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 19th MARCH, 2018

P.C.:

1. In pursuance of Order dated 22.02.2018, learned APP today has tendered across the bar a letter dated 07.03.2018 issued by the Deputy Secretary to Government, Government of Maharashtra intimating her that, the proposal to prefer appeal submitted by the concerned APP from the Sessions Court at Kalyan has been considered and the Government is of the opinion that, this is not a fit case to prefer an Appeal against the impugned Judgment and Order in the High Court.

The photocopy of the said letter is taken on record and marked 'X' for identification.

2. It is invariably observed by this Court that, the State of Maharashtra is generally preferring appeals in the crimes under section 323, ,324, 506 or other sections of Indian Penal Code, which are considered to be less serious in nature. However, in the case in hand like this wherein the respondents have been acquitted under section 498(A), 306 r/w.34 of the Indian Penal Code, the State of Maharashtra is loath and docile in preferring appeal. This is unfortunate for the applicant who is the first informant and the unfortunate father of the victim Smt. Shital Gaikwad.

3. Be that as it may, heard the learned counsel for the applicant at length and perused the record.

4. Leave granted.

5. Application be converted into appeal. Appeal be numbered.

6. Appeal admitted.

7. Action against respondents under Section 390 of Cr.P.C.. The procedure for bail be completed before the Trial Court. The Trial Court is directed to release the respondents on bail on their furnishing PR bond of Rs.25,000/- each with one or two separate solvent local sureties in the like amount.

(A.S.GADKARI, J.)