

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1777 OF 2018

IN

CRIMINAL APPEAL NO.1259 OF 2018

Shri. Ramesh Rangrao Kamble

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Prashant Jadhav, Advocate for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the Respondent/State.

CORAM : A.M.BADAR, J.

DATED : 31st OCTOBER 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 for the offence punishable under Section 307 of the Indian Penal Code and he is sentenced to suffer rigorous imprisonment for five years apart from direction to pay fine of Rs.2,000/- and in default to undergo

simple imprisonment for one month.

3. Heard the learned counsel appearing for the applicant/accused as well as the learned APP.

4. The learned APP opposed the application by contending that the crime in question is serious and the applicant/accused has assaulted his own father and attempted to commit his murder.

5. I have considered the submissions so advanced and perused the copies of deposition of the prosecution witnesses as well as the impugned Judgment and Order of conviction and resultant sentence. *Prima facie* it is seen that the assault was by the ploughing blade. Parts of body chosen for assault were arms and legs.

6. In this view of the matter, *prima facie* it cannot be said that the applicant/accused had intended to commit murder of his own father. That apart, short sentence of imprisonment of five years is awarded to the applicant/accused. Considering the pendency of the appeal, the appeal may not be heard within a short period. Therefore, 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) The applicant/accused should not repeat commission of similar offence in future.
- (iv) The application is disposed of accordingly.

(A.M.BADAR J.)