

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (APPA) NO.30 OF 2018

IN

CRIMINAL APPEAL NO.22 OF 2018

(Somesh s/o Prakash Gaur and others ..vs.. The State of Maharashtra, through PSO, Jaripatka, Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Sk. Sabahatullah, Advocate for the appellants,
Smt. S.V. Kolhe, Addl.P.P. for the respondent.

CORAM : ROHIT B. DEO, J.

DATED : 08-02-2018

The applicants-accused are convicted for offence punishable under Section 307 read with Section 34 of the Indian Penal Code and are sentenced to suffer rigorous imprisonment for four years and to payment of fine of Rs.1,000/-.

2. I have scrutinized the evidence on record, and having done so, I am of the opinion that in view of the nature of allegations, the fact that the learned Sessions Judge has not recorded a finding that an iron rod or any other lethal weapon was used, and the duration of the sentence awarded, the accused are entitled to be released on bail during the pendency of the appeal.

3. The application is allowed.

4. The applicants-accused be released on furnishing P.R. Bond of Rs.15,000/- with a surety of like amount, in the trial Court.

5. The applicants-accused shall appear before this Court on the day of final hearing.

6. The learned Counsel for the accused shall file on record eligible and typed copies of the depositions and supply one set to the learned Additional Public Prosecutor Smt. S.V. Kolhe on or before 20-2-2018.

7. The understanding that the appeal shall be finally worked out on 28-2-2018 is one of the conditions for grant of bail. Needless to say, if the appeal is not worked out, the State shall be at liberty to move for cancellation of bail.

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The record and proceedings is received. The paper-book is dispensed with.

JUDGE

adgokar