

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

CRIMINAL APPLICATION (APPA) NO.291 OF 2018

IN

CRIMINAL PPEAL NO.240 OF 2017

(Mr. Vaibhav s/o Sunil Bobate ..vs.. State of Maharashtra, through PSO, PS Gadchiroli)

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

Court's or Judge's orders

Shri M.R. Daga, Counsel for the applicant/appellant,
Shri N.R. Patil, Addl.P.P. for the respondent.

CORAM : ROHIT B. DEO, J.

DATED : 04-05-2018

The applicant/accused, who concededly was 18 years old on the day of the incident, is convicted for offence punishable under Section 304 Part-I of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for ten years and is further convicted for offence punishable under Section 326 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for five years.

2. The appeal was heard for sometime. The learned Counsel for the applicant-Vaibhav Bobate fairly did not press Criminal Application 291/2018 since the appeal was being heard finally. The appeal is listed at today's board for further hearing and judgment. However, due to the other part-heard matters and judgments to be delivered, it does not appear likely that this Court would be in a position to conclude the hearing

of this appeal.

3. I have perused the evidence on record and the reasons recorded by the learned Sessions Judge and in view of the admitted position that the accused was 18 years of old on the day of the incident, I do not see any impediment in suspending the sentence and releasing the accused Vaibhav Bobate on bail.

4. The substantive sentence is suspended till the decision of the appeal. The applicant Vaibhav Bobate be released on bail on furnishing P.R. Bond of Rs.10,000/- (Rupees Ten Thousand) before the learned trial Court. The applicant Vaibhav Bobate shall not enter the territorial limits of village Lanzeda till the disposal of the appeal, unless for sound reasons he is permitted to do so by the learned trial Court.

5. The application is disposed of accordingly.

JUDGE

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