

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.332 OF 2018

IN
CRIMINAL APPEAL NO.598 OF 2017.

Kalu s/o Ayya @ Laxman Athawle

..VS..

The State of Mah.thr.PSO,P.S.Shivaji Nagar, Khamgaon.

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

Court's or Judge's orders

Mr.R.M.Daga, Adv. for the applicant/
appellant.

Ms.K.Deshpande, APP for the State.

**CORAM : R.K.DESHPANDE AND
M.G.GIRATKAR, JJ.**

DATE : APRIL 13, 2018.

This application is filed by appellant/ori.accused no.6 for suspension of sentence imposed of life imprisonment for the offence punishable under Section 302 read with Section 149 of the Indian Penal Code as also under some other provisions in respect of incident of murder which occurred on 4th January, 2016 at 10.00 p.m.

Shri R.M.Daga, the learned counsel appearing for the appellant/accused no.6 invited our attention to the order dated 22nd February, 2018 passed in Criminal Application (APPA) No.160 of 2018, whereby the sentence imposed against accused no.4 was suspended and he was directed to be released on bail. After reading the said order it is apparent that accused nos.4 and 6

both stand on the same footing and this fact is not disputed by the learned Additional Public Prosecutor. In view of this, there cannot be a different order than the order passed in favour of accused no.4 on 22nd February, 2018.

For the reasons stated in the order dated 22nd February, 2018 this application is allowed. The sentence imposed by the learned Additional Sessions Judge, Khamgaon in Sessions Trial No.33 of 2016 of life imprisonment upon the applicant/accused no.6 Kalu Ayya @ Laxman Athawle is hereby suspended. The applicant be released on bail on furnishing two solvent sureties in the sum of Rs.25000/- each.

Bail bond be executed before the trial Court.

Be listed along with Criminal Appeal No.595 of 2017.

JUDGE

JUDGE

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