

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

CRIMINAL APPEAL NO.294/2018

Pradip s/o Kisan Dohe

..vs..

State of Mah., thr. PSO Maregaon, District Yavatmal

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

Court's or Judge's Order

Shri Mahesh Rai, Counsel for the appellant.

Shri A.D. Sonak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : APRIL 26, 2018.

1. **Heard learned counsel Shri Mahesh Rai for the appellant.**
2. **ADMIT.**
3. **Learned Additional Public Prosecutor Shri A.D. Sonak
waives service on behalf of the State.**

Criminal Application (APPA) No.420/2018

1. **This is an application for suspension of substantive jail
sentence and for grant of bail.**
2. **Heard learned counsel Shri Mahesh Rai for the
applicant/appellant and learned Additional Public Prosecutor Shri A.D.
Sonak for the State.**
3. **Learned counsel Shri Mahesh Rai for the
applicant/appellant submits that during the course of the Trial, the**

applicant/appellant was on bail throughout and at no point of time he has misused the liberty granted to him in his favour. He invites my attention to paragraph No.3 of the application in which it is stated on affidavit that learned Judge of the Court below, after judgment and order was passed, while exercising powers under Sub section (3) of Section 389 of the Code of Criminal Procedure, suspended the substantive jail sentence and released the applicant/appellant on bail. He also points out that the fine amount of Rs.20,000/- is already deposited.

4. In view of the fact that the applicant/appellant was on bail and the substantive jail sentence was already suspended, I pass following order:

ORDER

- (i) The criminal application is allowed.
- (ii) The substantive jail sentence imposed upon the applicant/appellant on 2.4.2018 by learned Special judge and Additional Sessions Judge, Kelapur in Special Case No.29/2015 shall remain suspended during the pendency of the present appeal.
- (iii) Applicant/appellant Pradip s/o Kisan Dohe, shall be released on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.
- (iv) Bail before the Trial Court.

(v) The applicant/appellant shall remain personally present at the time of final hearing of the present appeal before this Court.

(vi) With this, the criminal application stands allowed and disposed of accordingly.

JUDGE

!! BRW !!

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