

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

CRIMINAL APPLICATION (APPA) NO.579/2018

IN

CRIMINAL APPEAL NO.387/2018

Ashok Sadashiv Nagrikar

..VS..

The State of Mah., thr. Superintendent (TW) District Court, Tahsil and District Bhandara

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

Court's or Judge's Order

Shri R.P. Joshi, Counsel for the applicant/appellant.
Shri S.A. Ashirgade, Addl.P.P. for the State.

CORAM : MRS. SWAPNA JOSHI, J.

DATED : JUNE 28, 2018.

1. By this application, the applicant/appellant seeks suspension of substantive jail sentence and for grant of bail. Learned Sessions Judge, Bhandara convicted the applicant/appellant, for giving a false evidence, on 31.5.2018 in Misc. Criminal Case No.28/2018 under Section 344 of the Code of Criminal Procedure and sentenced him to suffer rigorous imprisonment for 1 month with fine of Rs.500/- and in default of the same to suffer simple imprisonment for 15 days.
2. Heard learned counsel Shri R.P. Joshi for the applicant/appellant and learned Additional Public Prosecutor Shri S.A. Ashirgade for the State.
3. Learned counsel Shri R.P. Joshi for the applicant/appellant submits that the applicant/appellant was on bail pending disposal of the Trial and he had not misused the liberty granted to him in his favour. He further submits that the sentence awarded to the applicant/appellant was already suspended by learned Sessions Judge, Bhandara and he had deposited the fine amount before the Court below.

4. In view of the facts and circumstances, following order is passed:

ORDER

- (i) The criminal application stands allowed.
- (ii) The substantive jail sentence imposed upon the applicant/appellant on 31.5.2018 in Misc. Criminal Case No.28/2018 under Section 344 of the Code of Criminal Procedure shall remain suspended pending disposal of the present appeal.
- (iii) Applicant/appellant Ashok Sadashiv Nagrikar, be released on bail on he executing a P.R. Bond in the sum of Rs.15,000/- with one or two solvent surety of the like amount.
- (iv) The applicant/appellant shall remain personally present at the time of final hearing of the appeal.
- (v) The application stands disposed of in aforestated terms.

JUDGE

!! BRW !!

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