

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

Criminal Application (APPA)No.582 of 2018
in
Criminal Appeal No.389 of 2018
(Maroti Dhondbaji Hatwar .vs. The State of Maharashtra through PSO PS
Shantinagar, Nagpur.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Mir Nagman Ali, Advocate for Appellant.
 Ms. Shamshi Haider, APP for Respondent.

CORAM : Manish Pitale, J.
DATED : July 18, 2018.

This is an application for suspension of sentence and grant of bail to the appellant who has been convicted under Section 307 of the Indian Penal Code (IPC) and sentenced to suffer rigorous imprisonment for 7 years and to pay fine of Rs.5000/-. The appeal was admitted by this Court on 27.06.2018 and notice was issued on this application. It is stated in the application that the fine amount has already been deposited on 12.06.2018 by the applicant-appellant.

Mr. Mir Nagman Ali, learned counsel appearing on behalf of the appellant, submits that the applicant-appellant is an old man of 72 years of age and that the allegation against him was that on 8.9.2016 he had assaulted his own son by means of iron mortar. It is submitted by the learned counsel for the applicant-appellant that during the course of trial, the applicant-appellant was on bail and that he had already undergone period in jail from 8.9.2016 to 25.1.2017

during the course of trial and that after the impugned judgment and order was passed, he has been taken into custody.

I have heard the learned counsel for the appellant and the learned APP.

The record shows that the appellant is indeed a 72 years old person and that the incident appears to have occurred due to dispute within the family. There is nothing to show that the applicant-appellant had violated conditions of bail while he was granted bail during the course of trial. In that view of the matter, the sentence imposed against the applicant-appellant by the trial Court deserves to be suspended during the pendency of this appeal. Accordingly, it is so directed and it is further directed that the applicant-appellant shall be released on bail on the condition that he shall furnish a P.R. Bond of Rs.10,000/- and the surety of like amount and on the further condition that he shall not enter the house of the victim during the pendency of the appeal.

Application is disposed of.

JUDGE