

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

Criminal Application (APPA) No. 631 of 2018
in
Criminal Appeal No.417 of 2018
(Ravindra Arjunrao Mohabe .vs. The State of Maharashtra through PSO PS
Karanja (Ghadge), Wardha.)

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

Mr. R.S. Nayak, Advocate for Appellant.
Mrs. Swati Kolhe, APP for Respondent.

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

1. This is an application moved on behalf of the appellant for suspension of sentence and grant of bail. By this appeal, the appellant has challenged impugned judgment and order dated 28.02.2018, whereby he has been convicted under Section 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 10 years and to pay fine of Rs.5000/-. It is stated in the application that the fine amount has already been paid.

2. On 2.7.2018, the instant appeal was admitted by this Court and notice was issued on this application.

3. It is pointed out by the learned counsel for the applicant-appellant that the evidence of the victim shows that her brother had a grudge with the appellant and that the complaint in the present case was lodged at the behest of the said brother. It is also pointed out that the complainant conceded in cross-examination that she merely signed a written complaint which the Police had prepared on the statement of her brother.

Apart from this, it is pointed out that the complainant i.e. brother of the victim admitted in cross-examination that even after the date of the incident, the victim had resided with the appellant. Considering the material on record and the fact that the appellant has been able to make out an arguable case in his favour, this Court is of the opinion that conditional bail can be granted to the appellant.

4. Accordingly, the sentence imposed by the trial Court in the present case on the appellant shall remain suspended during the pendency of this appeal and the appellant shall be enlarged on bail on the following conditions:-

- (i) The appellant shall furnish a P.R. Bond of Rs.25,000/- with one surety in the like amount,
- (ii) The appellant shall report to the Police Station Gittikhadan, Nagpur, on the first day of every month during the pendency of this appeal,
- (iii) The appellant shall not enter village Dharti, tahsil Karanja, district Wardha, where the victim is residing, without the leave of this Court.

5. Application is disposed of in above terms.

6. Hamdast granted.

JUDGE