

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

CRIMINAL APPEAL NO.713/2018  
Amol s/o Sheshrao Ubarhande and anr

..VS..

The State of Mah., thr. PSO, Raipur PS, Tahsil and District Buldhana

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

Court's or Judge's Order

.....  
Shri N.B. Kalwaghe, Counsel for the appellants.  
Shri M.K. Pathan, Addl.P.P. for the State.

**CORAM : V.M. DESHPANDE, J.**  
**DATED : NOVEMBER 27, 2018.**

1. Heard learned counsel Shri N.B. Kalwaghe for the appellants.
2. **ADMIT.** The record and proceedings be called for. Learned Additional Public Prosecutor Shri M.K. Pathan waives service for the State.

Criminal Application (APPA) No.1129/2018

1. This is an application filed by the applicants to release them on bail.
2. The applicants are convicted by learned Sessions Judge, Buldana on 11.10.2018 in Sessions Trial No.73/2016 whereby learned Judge of the Court below convicted both the applicants for offence punishable

under Section 307 of the Indian Penal Code and were directed to suffer rigorous imprisonment for 4 years and to pay a fine of Rs.5000/- and in default of the same to suffer simple imprisonment for 3 months.

3. I have heard learned counsel Shri N.B. Kalwaghe for the applicants and learned Additional Public Prosecutor Shri M.K. Pathan for the State. With their able assistance, I have gone through the impugned judgment and order.

4. It is stated on behalf of the applicants that during the course of the Trial, the applicants were on bail and at no point of time they have misused the liberty granted to them in their favour. Moreover, the certified copy is having an endorsement that the applicants have already deposited the fine amount of Rs.10,000/- on the day of the judgment itself.

5. After perusing the reasoning put forth by learned Judge of the Court below, in my view, the applicants have made out a case for suspension of substantive jail sentence for grant of bail.

6. In that view of the matter, the application is allowed.

7. Substantive jail sentence imposed upon the applicants by learned Sessions Judge, Buldana on 11.10.2018 in Sessions Trial No.73/2016 shall remain suspended during the pendency of the present appeal.

8. Applicants - Amol s/o Sheshrao Ubarhande and Sheshrao s/o Shriram Ubarhande be released on bail on they executing P.R. Bond in the sum of Rs.25,000/- by each of them with one solvent surety by each of them in the like amount.

9. The applicants shall remain personally present before this Court at the time of final hearing of the appeal.

10. With this, the application is allowed and disposed of accordingly.

JUDGE

!! BRW !!

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