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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.738 OF 2017 IN
APPEAL NO.1388 OF 2018

Shivaji Ganpat Aware ...Applicant
vs.
The State of Maharashtra ...Respondent

Ms Sulbha Arun Dhamale for the applicant
Ms P.P.Shinde, APP for the respondent-State

CORAM : A.S.OKA, &
A.S.GADKARI, JJ.
DATE : FEBRUARY 8, 2019

P.C.:

1 Heard the learned counsel for the applicant and the learned APP for State. The applicant has been convicted for the offence punishable under sections 302, 201 of the Indian Penal Code. For the offence under section 302 of the IPC the applicant has been sentenced to suffer life imprisonment. The allegation against the applicant is of committing murder of his own son. Apart from evidence of recovery of blood stained rod at his instance, the prosecution mainly relied upon the evidence of last seen together. The finding of the Sessions Court is that in the night of 14th September 2014, the applicant, his wife and their deceased son were found together in their house and in the early morning of 15th September 2014, the deceased was found in a pool of blood.

2 From the impugned Judgment, it appears that in

the year 2015, the age of the applicant was 65 years. Hence, at present his age appears to be 69 years and more. He has undergone sentence for a period of 4 years and five months. Considering the pendency of very old appeals, this appeal is not likely to be heard in near future.

3 Considering the facts of the case, the applicant deserves to be enlarged on bail. Hence, we pass the following order:

(I) The sentence imposed upon the applicant Shivaji Ganpat Aware under the Judgment and Order dated 2nd February 2017 passed by the Additional Sessions Judge, Niphad, District Nashik in Sessions Case No.1 of 2015 is hereby suspended and the applicant shall be enlarged on bail in the sum of Rs.15,000/- (Rupees fifteen thousand only) with one or two sureties to make up the amount;

(II) Bail is granted subject to the condition of the applicant reporting to the Trial Court on first Monday of every January and July of every calendar year till the disposal of the appeal;

(III) In the event the applicant fails to comply with the above direction, the Trial Court shall submit a report to the Registrar (Judicial-I) of this Court who shall place the same before the appropriate Bench;

(IV) Criminal Application is disposed of on above terms.

(A.S.GADKARI,J.)

(A.S.OKA,J.)