

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (APPA) NO. 266/2019
IN
CRIMINAL APPEAL NO.169/ 2019
(Ramesh Debhaji Bhoyar vs. The State of Maharashtra: Through PSO
Khadan Police Station Dist.Akola)

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

Court's or Judge's order

Mr. Anil Mardikar, Senior Advocate with Mr S.G.Joshi, Advocate
 for the applicant/appellant
 Mr. M.J.Khan, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.
DATED :18th March, 2019.

By this Application, the applicant prays for suspension of jail sentence imposed upon him by the learned Additional Sessions Judge, Akola, dated 01.03.2019, in Sessions Case No. 42/2013 and grant of bail.

The applicant is convicted for the offence punishable under Section 304 part II read with Section 34 of the Indian Penal Code and sentenced to suffer RI for ten years and to pay a fine of Rs. 1,00,000 /- , in default, to suffer RI for six months.

I have heard Shri Mardikar, learned senior counsel with Mr. S.G.Joshi, learned counsel for the applicant and Mr. M.J. Khan, learned A.P.P. for the respondent-State. I have gone through the impugned judgment and order. Learned counsel for the applicant pointed out that the applicant was on bail during the pendency of the trial. However he was taken into custody after the impugned judgment was passed.

Taking into consideration the nature of allegations against the applicant, the roles attributed to him and also considering that it would not be possible to take up the hearing of the Appeal finally by this Court in the near future, due to pendency of old matters, I am of the view that the applicant is entitled for suspension of jail sentence and grant of bail. Hence the following order:

ORDER:

- 1) Criminal Application No. 266/2019 is allowed.
- 2) The substantive jail sentence imposed against the applicant by the learned Additional Sessions Judge Akola in Sessions Case No.42/2013 dated 1st March, 2019 shall remain suspended during the pendency of the present Appeal.
- 3) The applicant shall be released on bail on executing fresh bonds in the sum of Rs. 20,000/- with one or two sureties in the like amount, in the trial court.
- 4) The learned Judge before whom the bail bonds will be executed shall ensure that before execution of the bail bonds, the entire fine amount is deposited by the applicant.
- 5) The applicant shall remain personally present before this Court at the time of final hearing of the Appeal.

Hamdast granted. The Application stands disposed of.

JUDGE

Sahare