

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION NO. 297 OF 2019

IN

CRIMINAL APPEAL NO. 192 OF 2019

(Guddeshwar alias Sanjay Kashinath Raut V/s The State of Maharashtra)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. R. P. Joshi, Advocate for Applicant/Appellant.
Mrs. A. R. Kulkarni, APP for Respondent – State.

CORAM : MRS. SWAPNA JOSHI, J.

DATE : MARCH 28, 2019.

P.C.

. By this Application, the Applicant prays for suspension of jail sentence imposed upon him by the learned Sessions Judge, Bhandara, dated 7th March 2019, in Sessions Trial No.51 of 2016 and grant of bail, whereby the Applicant was convicted for the offence punishable under Section 450 of Indian Penal Code for three years and to pay fine of Rs.5000/-, in default, to suffer imprisonment for six months. For the offence punishable under Section 376 of Indian Penal Code, the Applicant was sentenced to suffer rigorous imprisonment for seven years and to pay fine of Rs.10,000/-, in default, to suffer

imprisonment for one year. For the offence punishable under Section 506(II) of Indian Penal Code the Applicant was sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.2000/-, in default, to suffer imprisonment for two months.

2. I have heard Mr. R. P. Joshi, the learned counsel for the Applicant and Mrs. A. R. Kulkarni, the learned APP for Respondent – State.

3. The Applicant was on bail during the pendency of trial. It is submitted that the Applicant has deposited the fine amount of Rs.17,000/- in the Sessions Court.

4. Considering the manner in which the incident had taken place and also taking into consideration that the accused was on bail during the trial and he has not misused the liberty, it would be just and proper, if the jail sentence is suspended. Significantly, this Court is not in a position to take up this matter for final hearing due to pendency of old matters. In view thereof, the Applicant is entitled to suspension of jail sentence and grant of bail. Hence the following order:

ORDER

(i) Criminal Application No. 297 of 2019 is allowed.

(ii) The substantive jail sentence imposed against the Applicant by the learned Sessions Judge,

Bhandara, dated 7th March 2019, in Sessions Trial No.51 of 2016 shall remain suspended during the pendency of the present Appeal.

(iii) The Applicant shall be released on bail by executing bail bonds in the sum of Rs.10,000/- with one solvent surety of the same amount.

(iv) 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.

(v) The Applicant shall remain personally present before this Court at the time of final hearing of the Appeal.

5. The Criminal Application stands disposed of accordingly.

(MRS. SWAPNA JOSHI, J.)