

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

CRIMINAL APPLICATION [APPA] NO.329 OF 2019

IN

CRIMINAL APPEAL NO.227 OF 2019

[Fulchand Balwant Agashe and one .vs. The State of Maharashtra]

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

Court's or Judge's orders

.....
Shri R.M. Daga, Advocate for applicants-appellants,
Mrs. Mrinal Barabde, APP for respondent-State.
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CORAM : MRS. SWAPNA JOSHI, J.

DATED : APRIL 12, 2019.

By this application, the applicants-appellants pray for suspension of jail sentence imposed upon them by the learned Sessions Judge, Bhandara, dated 16.3.2019 in Sessions Trial No.38/2016 and grant of bail.

The applicants are convicted for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code whereby the learned Judge has sentenced them to suffer rigorous imprisonment for five years and to pay a fine of Rs.10,000/- each, in default to suffer imprisonment for six months each.

I have heard Shri R.M. Daga, the learned advocate for the appellants and Mrs. Mrinal Barabde, the learned APP for the respondent-State.

The applicants were on bail during the pendency of trial. Even after the judgment and order of conviction, the learned trial Court has suspended the jail sentence and the applicants were released on bail.

Taking into consideration the nature of allegations against the applicants, also the fact that the applicants were on bail during the trial and never misused the liberty in any manner and the substantive jail sentence was already suspended and the applicants were released on bail by the learned trial Judge and also considering that it would not be

possible to take up the hearing of the appeal finally by this Court in near future due to pendency of old matters, I am of the view that the applicants are entitled to suspension of jail sentence and grant of bail. Hence the following order :

O R D E R

- 1] Criminal Application No.329/2019 is allowed.
- 2] The substantive jail sentence imposed against the applicants by the learned Sessions Judge, Bhandara in Sessions Trial No.38/2016 shall remain suspended during the pendency of the present appeal.
- 3] The applicants shall be released on bail by executing fresh bonds of the same amount as 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 applicants.
- 5] The applicants shall remain personally present before this Court at the time of final hearing of the Appeal.
- 6] The applicants shall attend the concern Police Station twice in a month i.e. on every second and fourth Saturday.

Criminal Application stands disposed of.

JUDGE