

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

CRIMINAL APPLICATION (APPA) NO.687/2019

IN

CRIMINAL APPEAL NO.531/2019

Sanchit Arunrao Rekhate and anr

..VS..

State of Mah., thr. PSO PS Akot Gramin, Taluka and District Akola

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

Court's or Judge's Order

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Shri Mahesh Zawad, Counsel for Applicants.
Shri M.J.Khan, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : AUGUST 30, 2019.

1. This is an application under Section 389 of the Code of Criminal Procedure for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri Mahesh Zawad for applicants and learned Additional Public Prosecutor Shri M.J.Khan for the State.
3. By judgment and order of conviction dated 16.7.2019 passed by learned Additional Sessions Judge, Akot in Sessions Trial No.46/2016, applicants-original accused Nos.1 and 3 were convicted for offences under Sections 498-A and 304_B of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 2 years and 7 years respectively and to pay a fine of Rs.5000/- and in default of

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payment of the fine amount to suffer rigorous imprisonment for 3 months.

4. This Court (Coram : Rohit B.Deo, J.), on 30.7.2019 admitted the present appeal and record and proceedings were called for. Accordingly, record and proceedings are received and the said is placed before the Court.

5. Applicant No.1/Sanchit is husband of Seema, the deceased. Wheres, applicant No.2-Pramila is mother-in-law of the deceased. Marriage between applicant No.1 and Seema was performed on 2.5.2015 and Seema died her unnatural death on 9.5.2016. Reason for unnatural death is consumption of poisonous substance.

6. To prove illegal demand, the prosecution examined Gajanan (PW1), the first informant, and Sau.Kausalya (PW2). They are parents of Seema. *Prima facie* reading of their evidence for the purpose of consideration of the present application shows that on the material aspect these two prosecution witnesses improved their versions.

7. Applicants were on bail during the Trial and maximum jail sentence imposed upon them is 7 years. Thus, the jail sentence is for a fixed duration.

8. Looking to the pendency of criminal appeals before this Court, it is not possible to take up the present criminal appeal for its final hearing in near future. Since applicants were on bail during the Trial and at no point of

time they have misused the liberty granted to them in their favour and looking to the fact that on material aspect the evidence of the prosecution witnesses is found to be improved version, I am of the view that during the pendency of the present criminal appeal they can be released on bail. Consequently, I pass following order:

ORDER

- (i) The criminal application is allowed.
- (ii) The substantive jail sentence imposed upon applicants by judgment and order of conviction dated 16.7.2019 passed by learned Additional Sessions Judge, Akot in Sessions Trial No.46/2016 shall stand suspended during the pendency of the present criminal appeal.
- (iii) Applicants 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 of the like amount to the satisfaction of the learned Judge of the Court below.
- (iv) Applicant No.1 is directed to attend Akot (Rural) Police Station, District Akola and mark his presence there during the pendency of the present appeal.
- (v) Applicants are directed to remain personally present before this Court at the time of final hearing of the present

criminal appeal.

(vi) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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