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

CRIMINAL APPLICATION (APPR) NO.281/2019
IN
CRIMINAL REVISION APPLICATION NO.209/2019
(Madan Narayanrao Wakode and another vs. The State of Maharashtra: Through PSO Achalpur Dist. Amravati.)

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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 order

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Mr. D.S. Khushalani, Advocate for the applicants
Mr. T.A. Mirza, APP for respondent-State

CORAM : **MRS.SWAPNA JOSHI, J.**
DATED :**16.09.2019**

By this Application, the applicants pray for suspension of jail sentence and grant of bail. The applicant nos.1 and 2 were convicted for offence punishable u/s 337 and 304A of the IPC. The applicant no.1 was also convicted for offence punishable u/s 279 of IPC. Both the applicants were sentenced to suffer RI for one year and to pay a fine of Rs. 500/- in default to undergo SI for one month. The applicant no1 was also directed to pay a fine of Rs. 500/- in default to suffer SI for one month for offence punishable u/s 279 IPC.

The said sentence was confirmed by the learned Additional Sessions Juge. I have heard Shri D.S. Khushalani, learned counsel for the applicants and Mr. T.A. Mirza,

learned A.P.P. for the respondent.

The learned Advocate for applicant submits that all throughout, the applicants were on bail and they have not misused the liberty granted to them in any manner. It is further submitted that the applicants are ready to deposit the fine amount today itself.

Taking into consideration the nature of allegations against the applicants, also the fact that the applicants were on bail during the trial and the substantive jail sentences were already suspended and also considering that they have not misused the liberty, I am of the view that the applicants are entitled to suspension of jail sentence and grant of bail. Hence the following order:

ORDER:

1) Criminal Application No. 281/2019 is allowed.

2) The substantive jail sentence imposed against the applicants by the learned Addl.Sessions Judge-1, Achalpur in Criminal Appeal No. 36/2011 dated 29.08.2019 shall remain suspended during the pendency of the present Revision.

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 Revision.

The Application stands disposed of.

JUDGE

Sahare