

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

CRIMINAL APPEAL NO.756/2019

Gajanan s/o Nagoji Borwar

..VS..

State of Mah., thr. PSO Ural, Taluka Akola, District Akola

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

Court's or Judge's Order

.....
Shri A.S.Londhe, Counsel for the Appellant.

CORAM : V.M.DESHPANDE, J.

DATED : DECEMBER 05, 2019.

1. Heard learned counsel Shri A.S.Londhe for the appellant.
2. **Admit.**
3. Learned Additional Public Prosecutor Shri P.S.Tembhare, waives service.

Criminal Application (APPA) No.996/2019

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri A.S.Londhe for the applicant and learned Additional Public Prosecutor Shri P.S.Tembhare for the State.
3. By judgment and order of conviction dated 16.10.2019 passed by learned Additional Sessions Judge, Akola in Sessions Trial No.216/2015, the applicant is convicted for offence punishable under Section 498-A of the

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Indian Penal Code and sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.2000/- and in default of payment of the fine amount to suffer rigorous imprisonment for 2 months.

4. From the judgment and order of conviction, impugned in the appeal, it is clear that the applicant was on bail during Trial.

5. After the judgment and order of conviction, the applicant moved an application Exhibit 80 for suspension of the substantive jail sentence and learned Additional Sessions Judge, Akola on 16.10.2019 suspended the substantive jail sentence. The said order is placed on record.

6. In view of the above, I pass following order:

ORDER

(1) The criminal application is allowed.

(2) The substantive jail sentence imposed upon the applicant by judgment and order of conviction dated 16.10.2019 passed by learned Additional Sessions Judge, Akola in Sessions Trial No.216/2015, shall remain suspended during the pendency of the present appeal.

(3) The applicant be released on bail on his executing a fresh bond in the sum of Rs.10,000/- with one solvent surety of the like amount. The fresh bond to be executed before learned Judge of the Court below within a period of one month from today.

(4) The applicant is directed to attend Ural Police Station, taluka Akola, district Akola once in 6 month during the pendency of the present appeal.

(5) The applicant shall remain personally present before this Court at the time of final hearing of the appeal.

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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