

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPEAL NO. 817/2019**

Balwant s/o Krushnarao Kumbhare .vs. State of Maharashtra through PSO
P.S. Kondhali, Dist. Nagpur.

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

Court's or Judge's orders.

Mr. S. M. Nafade, Advocate for appellant.

Mr. P. S. Tembhare, A.P.P. for respondent-State.

CORAM : V. M. DESHPANDE, J.

DATED : DECEMBER 13, 2019

Heard Mr. Nafade, learned counsel for appellant.

ADMIT. Call for the record and proceedings.

Learned A.P.P. waives notice for respondent-State.

Criminal Application No. 1061/2019

This is an application for suspension of substantive jail sentence and for grant of bail.

Heard learned counsel for applicant and learned A.P.P. for non applicant-State. Also perused the impugned judgment and notes of evidence placed on record.

Applicant was prosecuted in Sessions Trial No.43/2014 for an offence punishable under Sections 307 and 498-A of the Indian Penal Code. The applicant and injured are husband and wife. Statement of injured would reveal that incident had occurred on 21.09.2013. According to her statement, applicant was under the influence of liquor and when the dinner was not ready, he got enraged and poured Kerosene on her person. Evidence of Dr. Sumit Awsarmol (PW11) would show that the injured was having 30% burn injuries.

Applicant was on bail during the course of trial. At no point of time he has misused the liberty granted to him. Learned counsel for the applicant submits that the fine amount of ₹15,000/- (₹ Fifteen Thousand Only) is already deposited and he tenders original receipt to that effect. The original receipt is taken on record and marked "X" for identification.

Since the applicant was on bail during the trial coupled with the fact that it will not be possible for this Court to decide this appeal in the near future, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Substantive jail sentence imposed upon the applicant on 27.11.2019 in Sessions Trial No.43/2014 by learned Additional Sessions Judge-10, Nagpur shall remain suspended during pendency of the present appeal.
- (iii) Applicant-Balwant s/o Krushnarao Kumbhare be released on bail on he executing P.R. Bond in the sum of ₹ 10,000/- with one solvent surety in the like amount.
- (iv) Applicant shall attend Police Station, Kondhali once in six months during pendency of the present appeal.
- (v) Applicant shall remain present before this Court at the time of final hearing of the appeal.

The application is disposed of.

JUDGE