

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL INTERIM APPLICATION NO. 413 OF 2020

IN

CRIMINAL APPEAL NO. 118 OF 2020

Popat Dnyandev Kamble

...Applicant/
Appellant

Vs.

State of Maharashtra

...Respondent

Mr. Satyajeet Rajeshirke, for Applicant/Appellant.

Smt. Rutuja Ambekar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 14th October 2020.

PC. :

This is an application for suspension of sentence and releasing the applicant/appellant on bail.

2. Heard Mr. Rajeshirke, learned counsel for the applicant and Smt.Ambekar, learned A.P.P. for respondent-State.

3. The applicant/appellant has convicted under sections 304 Part II and 452 of the Indian Penal Code and sentenced to suffer maximum rigorous imprisonment for five years and to pay total fine of Rs.5,500/- by the learned Additional Sessions Judge, Sangli in Sessions Case No.98 of 2017 by its Judgment and Order dated 27th December 2019.

4. The record indicates that, there was a dispute over landed property between deceased Anil Sohani and the applicant/appellant who are real brothers. That, on 22nd January 2017, the appellant assaulted the deceased with a stick and also gave fist and kick blows. The record indicates that, a Medico Legal Certificate (Exh.54) was issued by the Medical Officer, Rural Hospital, Atpadi, District Sangli. The deceased had suffered CLW on parietal region of the size 4 cm x 4 cm (scalpdeep). Deceased Anil Sohani was in hospital from 22nd January 2017 to 2nd February 2017 and thereafter succumbed to the injury. The appellant is about 69 years of age as of today and on the date of commission of offence he was aged about 66 years.

5. In view of the above and after taking into consideration the fact that, the applicant/appellant is a senior citizen and the possibility of hearing of the present Appeal on its own merits in near future is remote, I am inclined to suspend the sentence imposed upon the applicant and release him on bail.

Hence, the following Order :-

- (i) During the pendency of the present Appeal, the substantive sentence imposed upon the applicant is suspended.
- (ii) During the pendency of the present Appeal, the applicant/appellant be released on bail on his furnishing PR bond in the sum of Rs.10,000/- with one or two local sureties in the like amount.

(iii) After his release from Jail and during the pendency of the present Appeal, the applicant shall not threaten or pressurize the witnesses of the present case.

6. Application is allowed in the aforesaid terms.

7. This Order will be digitally signed by the Personal Assistant of this Court. All the concerned will act on production by fax or e-mail of a digitally signed copy of this Order.

(A.S. GADKARI, J.)