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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

***CRIMINAL APPLICATION NO.690 OF 2019
IN
CRIMINAL APPEAL NO.637 OF 2019***

Basweshwar Mahadeo Waghchavare	...Applicant
Versus	
The State of Maharashtra and Another	...Respondents

Mr. Tejas Hilage, for the Applicant

Mr. A. R. Patil, A.P.P. for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 23rd JUNE, 2020

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.
3. According to the learned counsel for the applicant the admission of PW.6 – Dr. Khare brought on record through his cross examination was not considered by the learned Sessions Judge nor the

medical report of the medical officer was placed on record with respect to the injuries sustained by the applicant during trial.

4. Perused the papers. According to the prosecution, the applicant assaulted the injured with a spade on his head thereby causing displaced fracture and other injuries. It is not in dispute that the applicant along with two others were prosecuted for the offences punishable under Sections 307, 324, 323, 504, 506 r/w 34 of the Indian Penal Code. After trial the other two co-accused i.e. Original Accused Nos. 2 and 3 were acquitted of all the offences and only the applicant was convicted for the offence punishable under Section 307 of the Indian Penal Code. It is not in dispute that the Applicant was on bail, pending trial and that he has not abused or misused the liberty granted to him. The sentence imposed i.e. seven years for the offence punishable under Section 307 of the Indian Penal Code is a short term sentence and the appeal is not likely to come up for the hearing in the immediate near future.

5. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his Appeal is finally disposed of;
- iii) The Applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;
- iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. All concerned to act on the copy of this order, digitally signed by the Private Secretary of this Court.

REVATI MOHITE DERE, J.