

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPEAL NO.22/2020**

Natthu s/o Kawadu Gajabhe .vs. State of Maharashtra through PSO P.S.
Bhadrawati, Dist. Chandrapur.

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

Court's or Judge's orders.

Mr. M. V. Rai, Advocate for appellant.

Mr. N. B. Jawade, A.P.P. for respondent-State.

CORAM : V. M. DESHPANDE, J.

DATED : JANUARY 15, 2020

Heard Mr. Rai, learned counsel for appellant.

ADMIT.

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

Criminal Application (APPA) NO.35/2020

Heard Mr. Rai, learned counsel for applicant and
Mr. Jawade, learned A.P.P. for non applicant-State.

This is an application under Section 389 of the
Code of Criminal Procedure for suspension of substantive jail
sentence and for grant of bail.

The applicant was tried in Sessions Case No.
44/2010 and was convicted by learned Additional Sessions
Judge, Warora on 22.11.2019 for an offence punishable
under Section 326 of the Indian Penal Code and was
directed to suffer rigorous imprisonment for three years and
to pay a fine amount of Rs.10,000/-. The application states
that the applicant could not move an application for bail
before the trial Court since the applicant has not deposited

the fine amount of Rs.10,000/-. Therefore, he was taken into custody and since then he is in jail. Now, the applicant has deposited the fine amount and photocopy of the receipt is placed on record, which shows that the amount of Rs.10,000/- is deposited.

The applicant was on bail during trial. At no point of time, he has misused the liberty granted to him.

Looking to the quantum of punishment and the fact that the applicant was on bail during trial, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Substantive jail sentence imposed upon the applicant on 22.11.2019 in Sessions Case No.44/2010 by learned Additional Sessions Judge, Warora shall remain suspended during the pendency of the present appeal.
- (iii) Applicant-Natthu s/o Kawadu Gajabhe be released on bail on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.
- (iv) Applicant shall attend Police Station Bhadrawati, once in every six months during the pendency of the prersent appeal.
- (v) The applicant is directed to remain personally present at the time of final hearing of the appeal.

The application is disposed of.

JUDGE