

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

CRIMINAL APPLICATION [APPA] NO. 62/2020
IN CRIMINAL APPEAL NO. 53/2020.

Ashok @ Balu Eknath Wanere

-VERSUS-

The State of Maharashtra.

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

Court's or Judge's Orders

Shri N.B. Kalwaghe, Advocate for the Applicant.
Shri S.D. Sirpurkiar, A.P.P. for Respondent.

CORAM : VINAY JOSHI, J.

DATE : DECEMBER 18, 2020.

Heard.

2. This is an application with a prayer for suspension of sentence and release of applicant/appellant on bail. The trial Court has convicted the applicant/accused for the offence punishable under Section 304-II of the Indian Penal Code and imposed punishment to suffer rigorous imprisonment for a period of 5 years and to pay fine of Rs.10,000/- with default clause.

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3. The learned Counsel for the applicant canvassed the inconsistency and improbabilities regarding the occurrence. It is brought to the notice of the Court that the accused was arrested on 16.09.2018 and was in jail till May, 2020 when due to pandemic situation he was temporarily released on bail by virtue of policy decision.

4. In substance, till date he has suffered imprisonment for near about 1 year and 8 months. Certainly the said fact is required to be taken into account. The applicant/appellant has already deposited the fine amount of Rs.10,000/- in the trial Court.

5. The accused has been imposed a term of imprisonment and he has a arguable case. The appeal will taken its own time for disposal. Having regard to these facts, the execution of substantive sentence stands suspended till the disposal of the appeal. In the meantime, the applicant/appellant be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/-

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with one surety in the like amount.

6. Criminal Application is accordingly
allowed and disposed of.

JUDGE

Rgd.