

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPEAL NO.63/2020**

Pravin s/o Narayan Mude .vs. State of Maharashtra through PSO P.S.
Babhulgaon, Dist. Yavatmal.

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

Court's or Judge's orders.

Mr. Anil Mardikar, Senior Advocate with Mr. S. G. Joshi,
Advocate for appellant.
Mr. S. S. Doifode, A.P.P. for respondent-State.

CORAM : V. M. DESHPANDE, J.

DATED : FEBRUARY 3, 2020

Heard Mr.Mardikar, learned Senior Counsel for
appellant.

ADMIT. Call for the record and proceedings.

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

CRIMINAL APPLICATION NO.107/2020

This is an application for grant of temporary bail.
The appellant-applicant is convicted by learned Additional
Sessions Judge, Yavatmal on 21.01.2020 in Sessions Trial
No.36/2016 for an offence punishable under Section 376
(2) (n) of the Indian Penal Code. By the said judgment of
conviction and order of sentence, the appellant is directed to
suffer rigorous imprisonment for ten years and to pay a fine
of Rs.10,000/-for the offence punishable under Section 376
(2) (n) of the IPC . He is also directed to suffer rigorous
imprisonment for one year and to pay a fine of Rs.2,000/-
for an offence punishable under Section 417 of the IPC.
Both the sentences were directed to run concurrently.

The applicant has also filed Criminal Application No.83/2020 under Section 389 of the Code of Criminal Procedure for suspension of substantive jail sentence and for grant of bail. This application for bail is filed for temporary bail in view of the facts mentioned in paragraph nos. 3 and 4 of the application. The application is on affidavit of Omprakash s/o Uttarao Bhoyar, who is brother in law of the applicant. The documents from Gandhi Hospital are also filed on record. According to certificate issued by Dr.Gandhi, wife of the applicant is carrying 37 weeks pregnancy with preelclangsia (mild/early). In that view of the matter, for taking proper care and decision, presence of the present applicant is necessary.

From certified copy of the impugned judgment, it is clear that applicant was on bail during trial. The applicant is not having any past criminal record. Learned counsel for the applicant has invited my attention to page no.6 of Criminal Application No.83/2020, which is photocopy of receipt showing deposit of entire fine amount.

In that view of the matter, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Substantive jail sentence imposed upon the applicant by learned Additional Sessions Judge, Yavatmal in Sessions Trial No.36/2016 shall remain suspended temporarily for a period of three weeks from the date he will be released on temporary bail.

(ii) Applicant-Pravin s/o Narayan Mude be released on temporary bail on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount before the learned Judge of the Court below.

(iii) The applicant is directed to attend Police Station, Babhulgaon, District Yavatmal, once in a week i.e. on every Sunday.

(iv) The applicant is directed to surrender before the Court below after expiry of three weeks from the date of his release on temporary bail.

The application is disposed of.

Criminal Application No. 83/2020

Put up this application on 02.03.2020.

JUDGE