

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

CRIMINAL APPLICATION (APPA) NO.1097/2019 IN
CRIMINAL APPEAL NO.852/2019

Nilesh Ravindra Pawar and anr. .vs. State of Maharashtra through PSO P.S.
Nandgaon, Khandeshwar, Dist. Amravati.

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

Court's or Judge's orders.

Mr. C. B. Dharmadhikari, Advocate for applicants.
Mr. S. S. Doifode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : JANUARY 21, 2020

Heard Mr.Dharmadhikar, learned counsel for applicants and Mr. Doifode, learned A.P.P. for non applicant-State on this application for suspension of substantive jail sentence and for grant of bail.

The applicants are challenging judgment and order of conviction convicting them for an offence punishable under Section 307 read with Section 34 of the Indian Penal Code and sentencing them to undergo rigorous imprisonment for five years and to pay a fine of Rs.5,000/-.

The appeal is already admitted by Vacation Judge of this Court on 23.12.2019 and for considering this application, record and proceedings were called. Accordingly, record and proceedings are before this court.

Four persons were charged for committing an offence punishable under Section 307 of the IPC. Injured is Shaikh Tanvir Shaikh Ibrahim. Original accused no.2-Ravindra and accused no.4-Dnyanesha are acquitted by

learned Judge of the Court below. However, he convicted the present applicants.

I have perused the relevant portion from the record and proceedings and also the impugned judgment.

The applicants were on bail during trial and at no point of time they have misused the liberty granted to them.

Looking to the pendency of the appeals, it will not be possible for this Court to take up this appeal for final hearing in near future.

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

ORDER

- (i) The application is allowed.
- (ii) Substantive jail sentence imposed upon applicants by learned Additional Sessions Judge, Amravati in Sessions Trial No. 87/2014, convicting the applicants for an offence punishable under Sections 307 read with Section 34 of the Indian Penal Code, shall remain suspended during the pendency of the present appeal.
- (iii) Applicant no.1-Nilesh Ravindra Pawar and applicant no.2-Anish Ravindra Pawar, be released on bail on they executing P.R. Bond in the sum of Rs.10,000/- each with one solvent surety each in the like amount.
- (iv) Learned Additional Sessions Judge, before whom the bail bonds will be executed, shall ensure that the fine amount imposed upon the applicants is deposited by them. Only after satisfying that the fine amount is deposited, the release warrant of the applicants should be issued.

(v) The applicants are directed to attend Police Station, Nandgaon Khandeshwar once in six months during the pendency of this appeal.

(vi) The applicants are directed to remain personally present before this Court at the time of final hearing to this appeal.

The application is disposed of.

JUDGE

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