

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

CRIMINAL APPLICATION (APPA) NO.1098/2019

IN

CRIMINAL APPEAL NO.853/2019

Manish Agneshwar Gadpaile

..vs..

**State of Mah., thr. the Station Officer, Police Station Badnera, Taluka and
District Amravati**

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

Court's or Judge's Order

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Shri P.V.Navlani, Counsel for the Applicant.
Shri M.K.Pathan, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : JANUARY 09, 2020.

1. Heard learned counsel Shri P.V.Navlani for the applicant and learned Additional Public Prosecutor Shri M.K.Pathan for the State. Also, perused judgment and order of conviction impugned in the appeal and relevant evidence in the nature of medical certificate (Exhibit 60).

2. After perusing judgment and order of conviction impugned in the appeal and medical certificate (Exhibit 60), in my view, second thought is necessary for the judgment and order of conviction and imposition of sentence on the applicant.

3. The applicant was on bail during Trial and at no point of time he has misused the liberty granted to him in his

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favour. The applicant is sentenced to suffer rigorous imprisonment for 5 years. Looking to pendency of criminal appeals, it will not be possible for this Court to take up the present criminal appeal for its final hearing in near future.

4. In this view of the matter, I pass following order:

ORDER

(1) The criminal application is allowed.

(2) Substantive jail sentence imposed upon the applicant by judgment and order dated 18.12.2019 passed by learned Additional Sessions Judge, Amravati in Sessions Trial No.176/2014 shall remain suspended during the pendency of the present criminal appeal.

(3) The applicant shall be released on bail on he executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(4) The applicant is directed to attend Badnera Police Station, District Amravati twice a month i.e. on 1st and 4th Saturday of every month during the pendency of the present criminal appeal.

(5) The applicant is directed to remain

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personally present before this Court at the time of final hearing of the appeal.

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!