

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

**BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.873 OF 2021 IN  
CRIMINAL APPEAL NO.192 OF 2021**

Atul Vikram Waghmare

... APPLICANT

**VERSUS**

The State of Maharashtra

... RESPONDENT

.....  
Ms Suvarna M. Zavare, Advocate for applicant  
Mr. S.N. Morampalle, A.P.P. for respondent - State  
.....

**CORAM : R. G. AVACHAT, J.**

**DATE : 29th JUNE, 2021**

**PER COURT :**

Heard learned counsel for the applicant and learned A.P.P. for the respondent - State. Perused the evidence relied on and impugned judgment.

2. The applicant/ appellant has been convicted for the offence punishable under Sections 365 and 395 read with Section 34 of the Indian Penal Code. He has, therefore, been sentenced to suffer rigorous imprisonment for three years and and to pay fine of Rs.1000/-, in default to suffer R.I. for one month for the offence punishable under Section 365 of the Indian Penal Code and further sentenced to suffer rigorous

imprisonment for seven years and to pay fine of Rs.1000/-, in default to suffer R.I. for six months for the offence punishable under Section 395 of the Indian Penal Code. Both the sentences have been directed to run concurrently.

3. As such, the maximum sentence the applicant/ appellant is supposed to suffer is of seven years. The applicant/ appellant was an undertrial prisoner. So far he has been behind the bars for little over five years. The appeal is not likely to take its turn for final hearing in immediate future. I am, therefore, inclined to grant the application. Hence the order:-

### **ORDER**

The application is allowed. Pending the appeal, the substantive sentence imposed by the trial Court is suspended and the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount. Bail before the trial Court.

**( R. G. AVACHAT )  
JUDGE**

fmp/-