

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1217 OF 2021
IN
CRIMINAL APPEAL NO. 206 OF 2021**

Jagdish Bhaskar Nagare

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. N.S. Ghanekar, Advocate for applicant
Mr. S.N. Kendre, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
DATED : 03rd JULY, 2021**

PER COURT :

1. This is an application for suspension of substantive sentence of imprisonment passed by the learned Additional Sessions Judge, Aurangabad in Sessions Case No. 308 of 2018 vide judgment and order dated 15th March, 2021.

2. The applicant has been convicted for the offences punishable under Sections 498-A and 306 of the Indian Penal Code. The applicant is sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-, in default to suffer simple imprisonment for one month for the offence under Section 498-A and to suffer rigorous imprisonment for seven years and to pay fine of Rs.10,000/-, in default to suffer simple imprisonment

for two months for the offence under Section 306. Substantive sentences of imprisonment are to run concurrently.

3. Heard. Learned counsel for the applicant took me through the relevant evidence and urged for suspension of execution of sentence of imprisonment.

4. Learned A.P.P. strongly opposed the application.

5. The applicant was in jail for about two years. The appeal is not likely to come up for final hearing in the near future. I am, therefore, inclined to allow the application as under :-

ORDER

(i) Criminal application is allowed in terms of prayer clauses (B)

(ii) Pending the appeal, the substantive sentence of imprisonment to stand suspended. 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.

(iii) Bail before the trial Court.

(R.G. AVACHAT, J.)

SSD