

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

**936 CRIMINAL APPLICATION NO.1696 OF 2020
IN APEAL/515/2020 WITH APEAL/515/2020**

YADAV S/O. SHRINIWAS KAMBLE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Govind Rangrao Ingole

APP for Respondent-State : Mr. V.S. Badakh

...

CORAM : MANGESH S. PATIL, J.

DATE : 25 FEBRUARY 2021

PER COURT :

This is an application under Section 389 of the Code of Criminal Procedure, seeking suspension of the substantive sentence, pending Appeal.

2. Heard both the sides and perused the depositions of the parents and maternal uncle of the deceased.

3. Deceased is stated to have committed suicide by jumping into the river along with her two daughters.

4. It is being alleged that the primary reason for which, she was subjected to the cruelty is that she could bear two daughters.

5. Considering the testimonies of the parents and the maternal uncle of the deceased, though, they are unanimous in stating that there was a demand for dowry and that she was subjected to

cruelty because of she having given birth to daughters, the quality of testimonies is as vague as it could be. There is no other material to demonstrate the period of ill-treatment, the nature and degree of ill-treatment. When the appellant has been in jail for last two and half years, in my considered view, it is a fit case, where the substantive sentence deserves to be suspended.

6. The application is allowed.

7. The substantive sentence shall stand suspended, pending the Appeal.

8. The Applicant/Appellant shall be released on bail on his executing personal recognizance for an amount of Rs.25,000/- (Rupees twenty five thousand) and a solvent surety in the like amount.

9. Bail before the Trial Court.

(MANGESH S. PATIL, J.)

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