

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

**911 CRIMINAL APPLICATION NO. 2447 OF 2021
IN
CRIMINAL APPEAL NO. 512 OF 2021**

**SATISH DASHRATH ARGADE
VS
THE STATE OF MAHARASHTRA**

Mr. Dhanraj Ingole, Advocate h/b Mr. N. S. Ghanekar, Advocate for
the applicant
Mr. R. B. Bagul, APP for the respondent/State

**CORAM : N. R. BORKAR, J.
DATE : 14-10-2021**

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. This is an application for suspension of sentence and to
release the applicant on bail.

2. The applicant came to be convicted for the offence
punishable under Section 307 of the Indian Penal Code and
sentenced to suffer rigorous imprisonment for five years and to pay
fine of Rs. 10,000/-, in default of payment of fine to suffer simple
imprisonment for period of six months.

3. I have heard learned counsel for the applicant and
learned APP for the respondent/State.

4. The learned counsel for the applicant submits that the evidence of injured witnesses is inconsistent with the medical evidence. It is submitted that the applicant has already undergone more than half of the sentence. It is thus submitted that substantive sentence be suspended and the applicant be released on bail.

5. On the other hand learned APP for the respondent/State submits that the accused is convicted for the serious offence punishable under Section 307 of the IPC. It is submitted that there are two injured and assault was made by the knife. It is submitted that considering these facts the substantive sentence may not be suspended.

6. The fact that the applicant, till date, has undergone more than half of the sentence is not disputed. As the applicant has already undergone more than half of the sentence, I am inclined to suspend the substantive sentence and release the applicant on bail. In the result, following order is passed:

ORDER

- i. The application is allowed.
- ii. Substantive sentence imposed by the learned Additional Sessions Judge, Sangamner on the applicant,

(3)

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in Sessions Case No. 57 of 2018 is suspended during the pendency of the appeal.

iii. The applicant be released on bail on executing the PR bond of Rs. 25,000/- [Rupees Twenty Five Thousand] with one or more sureties in the like amount.

iv. The applicant shall attend the Ashwi Police Station, Tq. Sangamner, Dist. Ahmednagar once in a month i.e. on first Monday of every month between 11.00 am to 02.00 pm.

v. Bail before the trial court.

[N. R. BORKAR, J.]

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