

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

CRIMINAL APPLICATION NO. 2731 OF 2021

Namdev S/o Dnyanoba Mundhe,
Age : 32 Years, Occ. Agriculture,
R/o. Dongersheliki, Tq. Udgir,
Dist. Latur

... Applicant

VERSUS

The State of Maharashtra

.. Respondent

...
Advocate for the Applicant : Mr. V. R. Dhorde
A.P.P for Respondent-State : Mr. R. B. Bagul
...

CORAM : N.R. BORKAR, J.
DATE : 26.11.2021

PER COURT :-

This is an application under Section 389 of the Code of Criminal Procedure for suspension of substantive sentence and to release the applicant on bail.

2. The applicant came to be convicted for the offences punishable under Sections 332, 353, 323, 186 of the Indian Penal Code. The maximum punishment imposed by the trial Court is of one year.

3. I have heard the learned counsel for the applicant and

learned A.P.P for respondent State.

4. The learned counsel for the applicant submits that the appellant has good case on merit. It is submitted that no independent witness is examined in the matter. It is submitted that applicant was on bail during the trial and he did not misuse the liberty granted to him. It is submitted that considering these facts and circumstances, substantive sentence be suspended and applicant be released on bail.

5. On the other hand, learned counsel for the respondent submits that applicant is involved in serious case of assault on police personnel. It is submitted that considering the nature of offence the substantive sentence may not be suspended.

6. This Court has already admitted the appel filed by the applicant against his conviction. Considering the fact that the applicant was on bail during the trial and short term of sentence, I am inclined to suspend the substantive sentence imposed upon the applicant by the Trial Court and to release him on bail. Hence the following order is passed :-

O R D E R

i. The application is allowed.

- ii. The substantive sentence imposed upon the applicant by the trial Court in Sessions Case NO. 66 of 2019 vide order dated 13.10.2021 is suspended till final decision of the Appeal filed by the applicant.
- iii. The applicant be released on bail, on executing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.
- iv. Bail before the Trial Court.

(N. R. BORKAR)
JUDGE

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