

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1458 OF 2020
IN
CRIMINAL APPEAL NO. 491 OF 2020**

Sahebrao Pandit Gangurde ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Mahendra N. Sandhyanshiv, Advocate for the Applicant.
Ms. Veera Shinde, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 14th JULY, 2021.

PER COURT:

1. This is an application for suspension of sentence passed by the Sessions Court, in Session Case No.81 of 2016 vide Judgment and order dated 23rd September, 2020. The applicant is convicted for offence under Section 498-A of Indian Penal Code (for short “IPC”) and sentenced to suffer rigorous imprisonment for three years. He is also convicted for offence under Section 306 of IPC and sentenced to suffer rigorous imprisonment for seven years.

2. The applicant was on bail during the trial. The evidence of PW-1 (father of the victim) mentions that the marriage was performed seven years ago. The applicant was allegedly, demanding

Rs.50,000/- for purchasing motorcycle. The victim was assaulted. The victim committed suicide by burning herself on 26th September, 2016. The applicant has undergone the imprisonment of around one year.

3. Learned APP submitted that the father of the victim in his evidence has given instances of harassment caused to the victim which compelled her to commit suicide. The applicant has not paid the fine amount.

4. The applicant was on bail during the trial. The marriage of the applicant and victim was performed seven years prior to the incident. The complainant has referred to some instances of demand and harassment to the victim. The date of incidents are not specific. Appreciation of evidence would be an exercise which is required to be done at the time of final hearing of the appeal. Applicant was on bail during trial. The applicant has undergone imprisonment of around one year. Considering the factual aspects, sentence of imprisonment can be suspended and the applicant can be granted bail during the pendency of appeal.

5. Hence, I pass the following order :-

ORDER

(i) Interim Application No. 1458 of 2020 is allowed;

- (ii) Sentence of imprisonment awarded by learned Additional Sessions Judge, Malegaon, while convicting the applicant for the offences under 498-A and 306 of IPC in Sessions Case No.81 of 2016 is suspended and the applicant is directed to be released on bail on executing PR. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the trial Court once in three months till further order;
- (iv) The applicant shall deposit the fine amount of Rs.50,000/- within a period of four weeks from today.
- (v) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.
- (vi) Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)