

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

**CRIMINAL APPLICATION NO. 2289 OF 2022
IN CRIMINAL APPEAL NO.751 OF 2022
WITH CRIMINAL APPEAL NO. 752 OF 2022**

**DEEGAMBAR @ DIGAMBAR VENKAT GOUND (MALI)
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. M. L. Dharashive, Advocate for the applicant
Mr. S. P. Deshmukh, APP for the respondent/State
Mr. D. J. Patil, Advocate for respondent No. 2 (appointed)

**CORAM : R. G. AVACHAT &
R. M. JOSHI, JJ.
DATED : 30th NOVEMBER, 2022**

PER COURT :-

1. Heard learned counsels for the parties.
2. It is informed to this Court that the applicant is sentenced to suffer short term imprisonment for 7 years. According to the learned counsel for the appellant there is no likelihood of appeal being heard in near future and hence of interest of justice required suspension of sentence.
3. Learned APP as well as learned counsel for respondent No. 2 opposed the said contention by citing serious

nature of offence.

4. Applicant is handed over with short term sentence. Considering the pendency there is no likelihood of appeal being taken up for hearing in short time. There is no special reason to deny bail to the applicant. In the circumstances substantive sentence imposed on the applicant deserves to be suspended. Hence the order.

ORDER

- (i) Application is allowed.
- (ii) Substantive sentence is suspended till the disposal of the criminal appeal.
- (iii) Applicant be released on PR bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount. Bail in the Trial Court.
- (ii) The applicant shall not tamper with the prosecution evidence.

(R. M. JOSHI, J.)

(R. G. AVACHAT, J.)

ssp