

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**21 CRIMINAL APPLICATION NO.2360 OF 2022**  
IN APEAL/535/2022

BALAJI MANOHAR PATIL  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
Adv. for Applicant : Mr. Shriram V. Deshmukh, h/f Mr. Devang R. Deshmukh.  
APP for Respondent/State: Mr. G. O. Wattamwar.  
...

CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 10<sup>th</sup> August, 2022.

**P.C.:**

. It is an application for suspension of sentence and bail.

2 Heard Mr. Shriram Deshmukh, holding for Mr. Devang R. Deshmukh, learned counsel for appellant/applicant and Mr. Wattamwar, learned APP for the respondent No.1/State.

3 It is not necessary to wait till appearance of respondent No.2 by looking to the fact that the appellant was on bail during trial. On perusing the impugned judgment and order of conviction rendered in Sessions Case No.26 of 2006 by the learned Additional Sessions Judge, Udgir dated 12<sup>th</sup> July, 2022, it appears that the appellant came to be convicted for the offence punishable under Section 304 (II) of the

Indian Penal Code and sentenced to suffer rigorous imprisonment for five years and pay fine of Rs.10,000/- with default stipulation. The appellant/applicant has deposited the fine amount with the Trial Court. There are no extraordinary circumstances to keep the appellant/applicant behind bars. It would be just and proper to release the applicant/appellant on fresh bail by suspending the sentence. Hence, the following order is passed:

### **ORDER**

- I. The application is hereby allowed.
- II. The execution of substantive sentence passed against the appellant/applicant in Sessions Case No.26 of 2006 by the learned Additional Sessions Judge, Udgir dated 12<sup>th</sup> July, 2022, is hereby suspended till final decision of the appeal.
- III. The appellant/applicant shall be released on bail on his furnishing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two solvent sureties of the like amount on the following condition.

“The appellant/applicant shall furnish his in detail address and cell number before the Trial Court.”

IV. Bail before the Trial Court.

V. The criminal application is accordingly disposed of.

[ SHRIKANT D. KULKARNI, J. ]

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