

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

**CRIMINAL APPLICATION NO. 3352 OF 2022  
IN  
CRIMINAL APPEAL NO. 734 OF 2022**

Balkrishna Sadashiv Patil ..APPLICANT

VERSUS

State of Maharashtra ..RESPONDENT

....  
Mr. A.B. Chalak, Advocate for applicant  
Mr. A.M. Phule, A.P.P. for respondent - State  
....

**CORAM : R.G. AVACHAT AND  
R.M. JOSHI, JJ.**

**DATE : 12<sup>th</sup> OCTOBER, 2022**

**PER COURT :**

1. This is an application for suspension of substantive sentence of imprisonment passed by the learned District Judge-2 and Additional Sessions Judge, Amalner in Sessions Case No. 32 of 2017 vide judgment and order dated 21<sup>st</sup> September, 2022. The applicant has been convicted for the offences punishable under Sections 307 and 452 of the Indian Penal Code (I.P.C.). The applicant is sentenced to suffer imprisonment for life and to pay fine of Rs.3,000/-, in default to suffer simple imprisonment for six months under Section 307 of the I.P.C. and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.2,000/-, in default to suffer simple imprisonment for three months under Section 452 of the I.P.C.

2. Heard. Issue notice to the respondent. Learned A.P.P. waives service of notice for the sole respondent – State.
3. Perused the injury certificate of the victim. He suffered blunt trauma to neck with CLW. There was fracture to upper limb i.e. left hand and forearm and fracture of thumb. It is noted that one of the victim has passed away. The cause of death is not the assault made by the present applicant. The applicant was on bail pending trial. Another victim is reported to have recovered of injuries within ten days of the incident.
4. Considering the nature of offence, the fact that the appellant was on bail pending trial and further fact that the appeal is not likely to be heard in near future, we are inclined to allow the application as under :-

### **ORDER**

- (i) Criminal application is allowed in terms of prayer clause (B).
- (ii) Pending the appeal, the substantive sentence of imprisonment imposed on the applicant is suspended. The applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.
- (iii) Bail before the trial Court.

**( R.M. JOSHI, J. )**

**( R.G. AVACHAT, J. )**

SSD