

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1382 OF 2022****IN****CRIMINAL APPEAL NO. 449 OF 2022**

Rohan Bhagesh Gore

.....Applicant

Vs.

The State of Maharashtra

.....Respondent

Mr. R. D. Suryawanshi for the Applicant.

Mr. R. M. Pethe, APP for Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 11th JULY, 2022.****P.C.:-**

This is an Application for suspension of sentence and releasing the Applicant on bail.

2. Applicant is original Accused No.2. Applicant has been convicted under Sections 304 (Part II) and 201 read with Section 34 of Indian Penal Code and is sentenced to suffer maximum rigorous imprisonment for seven years and to pay a total fine of Rs.6,000/- by the learned Sessions Judge, Ratnagiri in Sessions Case No.24 of 2018 by its Judgment and Order dated 19th April, 2022.

3. Mr. Suryawanshi, learned Advocate for the Applicant submitted that, the Applicant was on bail during the pendency of trial and there is no

report of breach of any of the conditions imposed upon him. He submitted that, the Applicant has already deposited entire fine amount in the Registry of the Trial Court. He therefore prayed that, substantive sentence imposed upon Applicant be suspended and the Applicant be released on bail.

4. Perusal of record and in particular para No.7 of the impugned Judgment clearly indicates that, due to the acts of the deceased Manohar Gore, who was under the influence of liquor, the Applicant along with co-accused Koustubh Gore got annoyed and assaulted him in the fit of rage.

The maximum sentence imposed upon the Applicant is seven years of rigorous imprisonment. Possibility of hearing present Appeal on its own merits in near future is remote. Applicant was released on bail during the pendency of trial and there is no any report of breach any of the conditions imposed upon him. In view thereof, during the pendency of Appeal, the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

5. Hence, the following Order :-

- (i) Applicant/Accused No.2 in Sessions Case No.24 of 2018 be released on bail on his furnishing P. R. bond of Rs.25,000/- with one or two local sureties in the like amount.
- (ii) During the pendency of the Appeal, Applicant is directed to attend Lanja Police Station, District

Ratnagiri on every first Monday of the month initially for a period of 1 year and thereafter on every first Monday of every 3rd month, i.e. 4 times in a year.

6. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)