

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.208 OF 2022
IN
CRIMINAL APPEAL NO.30 OF 2022

Machhindra Namdeo Bansode

Applicant

versus

The State of Maharashtra

Respondent

Mr.Vikramsingh Parmar i/by Mr.C.Rsonecha, Advocate for applicant.

Mr.S.V.Gavand, APP, for State.

Mr.Subhash d. Padalkar, Kathe Mahankal Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th March 2022

PC :

1. This is an application for suspension of sentence and grant of bail pending Criminal Appeal No.30 of 2022. The applicant is convicted vide judgment and order dated 20th October 2021 passed by learned Additional Sessions Judge, Sangli wherein applicant has been convicted for the offence under Section 307 of Indian Penal Code and sentenced to suffer rigorous imprisonment of seven years. The applicant was also charged for offences under Sections 498-A, 504 and 506 of Indian Penal Code. However, he was acquitted for the said offences. The victim-injured in the present case is the wife of applicant. It is the case of prosecution that injured was assaulted by applicant with knife.

2. Learned advocate for applicant submit that the applicant was on bail during trial. The facility of bail has not been misused. The alleged incident had arisen on account of matrimonial differences. There is discrepancy in medical evidence.

3. Learned APP submit that offence u/s.307 of IPC has been established. The applicant has assaulted his wife by using weapon like knife. Medical evidence supports the prosecution case.

4. The applicant was on bail during trial. He is in custody from the date of conviction. There is no adverse report about the misuse of facility of bail against applicant. Taking into consideration the aforesaid circumstances, sentence of imprisonment can be suspended.

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) The sentence of imprisonment imposed vide judgment and order dated 20th October 2021 by learned Additional Sessions Judge, Sangli in Sessions Case No.24 of 2016 is suspended and 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 is permitted to furnish cash bail in the sum of Rs.25,000/- for eight weeks in lieu of sureties;
- (iv) The applicant shall attend Trial Court once in six months on first Saturday of the month till final disposal of the Criminal Appeal;
- (v) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;
- (vi) In the event of default committed by the applicant in attending the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)