

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1151 OF 2022
IN
CRIMINAL APPEAL NO. 360 OF 2022**

Digambar Kondaji Sonawane ...Applicant/Appellant
Versus
The State Of Maharashtra ...Respondent

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Mr. Pankaj J. Das, Advocate for the Applicant/Appellant.
Mr. P. H. Gaikwad, APP for the Respondent-State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 8th APRIL, 2022.**

PER COURT:

1. This is an application for suspension of sentence and grant of bail during pendency of Criminal Appeal No.360 of 2022.
2. The applicant has been convicted by judgment and order dated 9th March, 2022 for offence punishable under Section 498-A of Indian Penal Code (for short "IPC") and sentenced to suffer 3 years imprisonment.
3. The case of the prosecution is that the accused No.1 is the husband, accused No.2 (applicant) is father-in-law and accused Nos.3 & 4 are brother-in-law of the deceased. The First Information Report (for short 'FIR') was registered by the father of the deceased on 5th August, 2014. It was alleged that the accused were causing harassment to the deceased. Due to continuous harassment, the

complainant's daughter committed suicide on 5th August, 2014. The marriage between accused No.1 and the deceased was solemnized in 2011. The accused were charged under Sections 498-A, 306, 323, 504, 506 r/w Section 34 of IPC.

4. Except the applicant (accused No.2) all other accused were acquitted. The applicant was acquitted for offences under Sections 306, 323, 504 & 506 r/w Section 34 of IPC and convicted for offence under Section 498-A of IPC. The applicant was on bail during the trial. There is no adverse report about misuse the facility of bail. The sentence is of three years imprisonment. The sentence of imprisonment has been suspended by the trial Court by order dated 9th March, 2022 till the appeal period. The applicant has deposited the fine amount. Hence, sentence of imprisonment can be suspended.

ORDER

- i. Interim Application No. 1151 of 2022 is allowed;
- ii. During the pendency of Criminal Appeal No.360 of 2022, the sentence of imprisonment imposed vide Judgment and order dated 9th March, 2022 passed by learned Additional Sessions Judge-4, Nashik in Sessions Case No.162 of 2016 is suspended and the applicant is directed to be released on bail on executing PR. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

- iii.** The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for a period of ten weeks in lieu of surety.
- iv.** The applicant shall attend the trial Court once in six months on first Saturday of the month till the final disposal of the appeal;
- v.** In the event, there are two consecutive defaults in attending the trial Court, the said fact may be brought to the notice of this Court and in such eventuality, the prosecution will be at liberty to prefer an application for cancellation of bail.
- vi.** Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)