

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

**INTERIM APPLICATION NO.1003 OF 2020
IN
CRIMINAL APPEAL NO.29 OF 2022**

Dnyaneshwar Mauli Bhimrao Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Jaydeep D. Mane, Advocate for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 19th OCTOBER, 2022**

P.C. :

1. This is an application for bail during pendency of the Applicant's Appeal. The Applicant was convicted for commission of offence punishable u/s 498-A and 306 of the Indian Penal Code. The major punishment was 5 years besides imposition of fine. The Applicant's Appeal is already admitted.

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2. Heard Mr. Jaydeep D. Mane, learned counsel for the Applicant and Mr. S. R. Agarkar, learned APP for the State.

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3. Learned counsel for the Applicant submitted that out of five years of sentence, he has completed more than 3 years and a few months of actual imprisonment. The Appeal is not likely to be decided within the period of remaining sentence. Therefore the Applicant be released on bail. On merits he submitted that at the first instance, the brother of the deceased had lodged an accidental death report. In that report there was no allegation against the present Applicant. The deceased was the wife of the Applicant. The allegations are that the Applicant was demanding money for consuming liquor as he was addicted to liquor. He submitted that the Applicant does not have criminal antecedents. He was on bail during trial and he has not misused the same.

4. Learned APP opposed this application. He submitted that the death had taken place within 7 years of the marriage and there is presumption against the Applicant. However he conceded that less than 3 years of the sentence are remaining and the Appeal is not likely to be decided within that period.

5. Considering this aspect and since the major part of the sentence is already over and the Appeal is not likely to be decided within the remaining portion of the sentence, he can be granted bail.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.29 of 2022, the Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)