

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Appeal No. 86 of 2022

Gajanan Potanna Kattelwar

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Pandharkawada, Tq. Kelapur, district-Yavatmal.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Anup Shankar Dhore, Advocate for the Appellant.
Shri Sagar Ashirgade, Addl.P.P. for the respondent.

CORAM : ANIL S. KILOR, J.

DATED : 16th FEBRUARY, 2022.

Heard learned counsel for the appellant and
learned Additional Public Prosecutor.

2. **ADMIT.**

3. Call record and proceedings.

Criminal Application (APPA) No. 120 of 2022

By way of present application filed under
Section 389 of the Code of Criminal Procedure for
suspension of sentence and grant of bail, the learned
counsel for the applicant pointed out that the applicant

was convicted for the offence punishable under Section 304-II of Indian Penal Code and was sentenced to suffer Rigorous Imprisonment of six years and to pay fine of Rs.2,000/-, in default of payment of fine, the accused shall undergo rigorous imprisonment for two months vide judgment and order dated 20th December, 2021 passed by learned Additional Sessions Judge, Kelapur, Dist. Yavatmal in Sessions Trial No. 30 of 2009.

2. Learned counsel for the applicant submits that the applicant was in jail from 22nd August, 2009 to 24th December, 2009. Thereafter, he was on bail for about 12 years and he did not misuse the liberty and has not faulted any condition of the bail.

3. It is submitted that after the impugned judgment and order, he was taken in custody. However, because of pandemic of Covid-19 he was on emergency parole.

4. The learned counsel for the applicant further points out that fine amount has already been deposited by the applicant. It is further submitted that the applicant is having good case on merit and there is every likelihood that he would succeed in the present appeal. He, therefore, prays for suspension of sentence.

5. After going through the judgment and considering the submissions of the learned counsel for the applicant, I am of the opinion that the case is made out for suspension of sentence. Accordingly, I pass the following order:

ORDER

- i. The application is allowed;
- ii. Sentence as imposed by the learned Additional Sessions Judge, Kelapur, Dist. Yavatmal in Sessions Trial No. 30 of 2009 vide judgment and order dated 20th December, 2021 is hereby suspended till decision of this appeal;
- iii. It is directed that the applicant shall be released on bail on furnishing P.R. Bond for Rs.20,000/- (Rs. Twenty Thousand) and one solvent surety in the like amount;
- iv. The applicant shall attend the nearest police station i.e. Kelapur, Taluka and District Yavatmal on 1st and 15th of every month till the decision of this appeal.

[ANIL S. KILOR, J.]

SACHINDANAND
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