

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

CRIMINAL APPEAL NO. 33 OF 2022

Dilip s/o Deoraoji Nikhade,
...Versus...
State of Maharashtra, Through the P.S.O., P.S. Hudkeshwar, Nagpur.

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

Court's or Judge's orders

Shri B.M. Kharkate, Advocate for appellant
Shri V.A. Thakare, A.P.P for non-applicant/State.

CORAM : SURENDRA P. TAVADE, J.
DATE : 18/01/2022

Heard learned Counsel for the appellant.

2. Appeal is admitted.
3. Call for the record and proceedings in Sessions Case No.466/2019 from trial Court.
4. Issue notice to respondent.
5. Learned APP waives service of notice on behalf of respondent.

CRIMINAL APPLICATION (APPA) NO.47 OF 2022

Perused impugned judgment. The appellant was accused No.2 before the trial Court. He is convicted for the offences punishable under Section 353 read with Section 34 of the Indian Penal Code and sentence to suffer rigorous imprisonment for sixteen months months and to pay a fine of Rs.5,000/-, in default he is directed to undergo rigorous imprisonment for three months. He also convicted for the offences punishable under Section 332 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for sixteen months and to pay find of

Rs.5000/-, in default he is directed to suffer rigorous imprisonment for three months. He has also held guilty for the offence punishable under Section 294 read with 34 and sentence to suffer rigorous imprisonment for three months and to pay fine of Rs.5000/-, in default he is directed to undergo rigorous imprisonment for ten days. The appellant has paid the fine amount imposed on him. It is contended that the appellant was released on bail during pendency of trial.

2. No allegation of abuse of liberty granted to him during the pendency of trial. Even after the conviction, he was released on bail for one months. Therefore, it is prayed that the appellant may be released on bail.

3. Heard learned A.P.P. He submits that the offence is proved against him and therefore, he has objection for suspension of sentence and releasing the appellant on bail.

4. Heard learned Counsel for the appellant and learned A.P.P. for State. It appears that the appellant is convicted for the offence punishable under Sections 353 and 332 and sentenced him for sixteen months on each count. The appellant was on bail during the pendency of trial and even after the conviction by the trial Court, the appeal may not come for hearing within short time. Hence the appellant is entitled for bail. Hence I pass the following order:

i) Application is allowed.

ii) In the even of arrest, appellant be released on bail on he executing P.R. bond of Rs.15,000/- with one surety in the like amount with direction to attend hearing of this appeal regularly at trial Court.

5. Humdast granted.

(SURENDRA P. TAVADE, J.)