

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

**CRIMINAL APPLICATION (APPA) NO. 85/2022 IN
CRIMINAL APPEAL NO. 53/2022**
(Amol S/o Murlidhar Jawanjal Vs. State of Maharashtra)

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

Court's or Judge's Order

Mr. P. V. Navlani, Advocate for applicant.
Mr. S. D. Sirpurkar, APP for non-applicant/State.

CORAM :- SURENDRA P. TAVADE, J.

DATED :- 08.02.2022

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. This is an application for suspension of sentence imposed upon the applicant in Sessions Trial No. 66/2015. The applicant was prosecuted for offence punishable under Sections 307, 326, 504 read with Section 34 of the Indian Penal Code. He was held guilty for offence punishable under Section 307 of the Indian Penal Code and he was sentenced to suffer rigorous imprisonment of five years and to pay fine of Rs. 10,000/-, in default, he was directed to suffer simple imprisonment for six months. It is contended that during the pendency of the trial, the applicant was on bail. Similarly, it is contended that it is a case of single blow. There was no plan of assault. It is contended that the

victim and his sister had been to the house of the applicant where there was altercation and thereafter, there was assault. It is contended that incident took place in spur of moment. There was no intention to kill the victim. It is contended that the the appeal may not come up for hearing within short period of time. The applicant be released on bail.

3. On the other hand, learned APP submits that in all 12 witnesses were examined. The Trial Court has appreciated the evidence against each of the accused in proper perspective. There is evidence on record show that the applicant gave a blow of axe on the head of victim caused grievous injury. Hence, this is not a fit case for grant of bail.

4. Heard the learned counsel for the applicant and learned APP on behalf of the State. It appears that the victim had sustained only one injury. It was alleged that the applicant used axe to assault the victim. But he sustained injury having CLW. The Trial Court appreciated the evidence and convicted the appellant for offence punishable under Section 307 of the Indian Penal Code.

5. The applicant was on bail during trial. There is no possibility of early hearing of this appeal, therefore in my considered view, the applicant is entitled for bail during the pendency of this appeal. Hence, I pass the

following order:-

(I) Application stands allowed and disposed of.

(II) The applicant – Amol S/o Murlidhar Jawanjal, he is ordered to be released on bail on furnishing P. R. Bond of Rs. 25,000/- with one surety in the like amount with a condition that he will attend hearing of this appeal regularly.

(SURENDRA P. TAVADE, J)

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