

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

CRIMINAL APPLICATION [APPA] NO.159 OF 2022

IN

CRIMINAL APPEAL NO.81 OF 2022

[Siddharth Netrabandh @ Shiva Pawar .vs. The State of Maharashtra, through the Police Station Officer,
Police Station, Mangrul Chavala, Tahsil and District-Amravati]

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

Court's or Judge's orders

Shri P.R. Agrawal, Advocate for the applicant,
Ms. N.P. Mehta, A.P.P. for the respondent/State.

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Coram : A.S. Chandurkar and Smt. M.S. Jawalkar, JJ.
Dated : April 04, 2022.

The applicant has been convicted for having committed an offence under Sections 302, 324, 504 of the Indian Penal Code. He has been sentenced to suffer rigorous imprisonment for life along with fine of Rs.10,000/-.

2. It is the case of the prosecution that on 25.01.2019 at about 4.30 pm, when the wife of the applicant Sarla came home, the applicant started abusing her for not cooking food. After abusing his wife, it is alleged that the applicant beat her with a stick on her head, right hand, left leg and right eye. After the quarrel was separated by one Malesh Pawar, the wife of the applicant lodged a report on the next day resulting in registration of Crime No.10/2019 under Sections 324, 504 of the Indian Penal Code. The applicant's wife was admitted in the Government Hospital on 13.02.2019 and she died during medical treatment on 14.02.2019. The offence under Section 302 of the Indian Penal Code was thus added.

3. We have perused the evidence on record and *prima facie* we find that PW-2 Malesh Pawar, who was stated to be the person who separated the applicant and his wife during the quarrel, did not support the case of the prosecution. The Assistant Civil Surgeon examined as PW-8 opined that the injuries caused could result in death in the absence of proper treatment. The report of the Chemical Analyser does not indicate any blood stain on the axe said to be seized at the behest of the applicant. The applicant was arrested in April-2019 and has been in custody since then.

4. Considering the aforesaid, we find that there is an arguable case made out in the appeal against conviction. The applicant is thus entitled to be released on bail by suspending the sentence imposed in Sessions Trial No.275/2019. Accordingly, the application is allowed. The sentence imposed on the applicant in Sessions Trial No.275/2019 is suspended during the pendency of the appeal. The applicant is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- with two sureties in the like amount. The applicant shall furnish details of his residential address and contact number, if any. The applicant shall remain present as and when directed by the Court while hearing Criminal Appeal No.81/2022, if necessary.

5. The application is allowed and disposed of.

(Smt. M.S. Jawalkar, J.)

(A.S. Chandurkar, J.)