

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

CRIMINAL APPLICATION (APPA) NO.186 OF 2021
IN
CRIMINAL APPEAL NO.125 OF 2021

VINOD SAHEBRAO KOMREKAR
VS
THE STATE OF MAHARASHTRA, THR. ITS POLICE STATION
OFFICER, POLICE STATION KARANJA, DIST. WASHIM

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

Court's or Judge's Order

Shri Abdul Subhan, Advocate for the appellant/applicant
Shri Anand Deshpande, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.
DATED : 20th April, 2022.

This is an application filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and grant of bail.

2. The applicant has filed appeal against conviction challenging the judgment and order dated 22.02.2021 passed by the learned Sessions Judge, Link-Court, Mangrulpir, in Sessions Case No.84 of 2013, convicting the applicant for the offence punishable under Section 304-II of the Indian Penal Code (IPC)

and sentenced to suffer rigorous imprisonment for a period of seven years and to pay fine of Rs.10,000/-, in default to suffer further rigorous imprisonment for a period of six months.

3. Shri Subhan, learned counsel for the applicant submits that he is having very good case on merit and there is every likelihood that he would succeed in the appeal. He further submits that the applicant was on bail during trial and there is no complaint about misuse of liberty by the applicant.

4. Shri Deshpande, learned APP opposes the present application.

5. I have perused the findings recorded by the learned Sessions Court in the impugned judgment and order dated 22.02.2021 passed in Sessions Case No.84 of 2013 and thereupon, I am of the opinion that applicant is having arguable case and re-appreciation and reappraisal of the evidence is necessary in this case. There is no likelihood that this matter would come up for final hearing in near future. Accordingly, I pass the following order:

i. Criminal application is **allowed**.

ii. The sentence imposed by the learned Sessions Judge, Link-Court, Mangrulpir, in Sessions Case No.84 of 2013, vide judgment and order dated 22.02.2021, is suspended till disposal of the appeal.

iii. The appellant/applicant shall be released on bail on his executing P.R.Bond for Rs.15,000/- with one solvent surety in the like amount.

iv. The appellant shall attend the concerned police station as and when his presence is required.

The application is **disposed of**.

[JUDGE]