

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

CRIMINAL APPLICATION (APPA) NO.315 OF 2022
IN
CRIMINAL APPEAL NO. 250 OF 2022

BHASKAR S/O SHESHRAO RAUT AND ANOTHER
VS
STATE OF MHA. THR. PSO PS AKOT GRAMIN TAH. AND DIST.AKOLA

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

Court's or Judge's Order

Shri S.V. Sirpurkar, Advocate for the appellants/applicants
Shri S.A. Ashirgade, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.
DATED : 22nd April, 2022.

Heard.

2. **Admit.**

3. Shri Ashirgade, learned APP waives service of notice on behalf of respondent/State.

4. Call for the record and proceedings.

Criminal Application (APPA) No.315 of 2022

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

6. The applicant Nos.1 and 2 have filed appeal against conviction challenging the judgment and order dated 12.04.2022 passed by the learned Additional Sessions Judge, Akot, District : Akola in Sessions Case No.49 of 2016, convicting the applicant Nos.1 and 2 for the offence punishable under Section 326 read with Section 34 of the Indian Penal Code (IPC) and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.25,000/- each, in default to suffer further simple imprisonment for one year.

7. I have perused the findings recorded by the learned Additional Sessions Judge, Akot, District : Akola in the impugned judgment and order and thereupon, I am of the opinion that applicant Nos.1 and 2 are having arguable case and re-appreciation and reappraisal of the evidence is necessary in this case. The applicant Nos.1 and 2 were already on bail during the trial. There is no likelihood that this matter would come up for final hearing in near future. Accordingly, I pass the following order:

- i. The Criminal Application is **allowed**.
- ii. The sentence imposed by the learned Additional Sessions Judge, Akot, District : Akola in Sessions Case No.49 of 2016 vide judgment and order

dated 12.04.2022, is suspended till disposal of the appeal.

iii. The applicant Nos.1 and 2 shall be released on bail on their executing P.R.Bond of Rs.15,000/- each with one solvent surety in the like amount for each of the appellants.

iv. The applicant Nos.1 and 2 shall attend the concerned police station as and when their presence is required.

[JUDGE]