

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

CRIMINAL APPLICATION (APPA) NO.377/2022
IN
CRIMINAL APPEAL NO.310/2022

Mr Sambhaji s/o Balaji Selote

Vs.

State of Maharashtra, through its P.S.O. P.S. Umred, District Nagpur and another

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

Court's or Judge's orders

Shri M.N. Ali, Advocate for appellant
Shri I.J. Damle, APP for respondent no.1/State
Shri Falguni Badani, Advocate (Appointed) for respondent no.2

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 22/09/2022

The present application is filed for suspension of sentence and grant of bail. The applicant submits that he is convicted for the offences punishable under Section 376(1) of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs.5,000/- in default rigorous imprisonment of six months. The entire fine amount is deposited. Since 13/04/2022 the applicant after surrendering his bail bond is sent to Central Jail, Nagpur.

2. It is submitted that during the trial, he was on bail and has not misused his liberty. With assistance of learned Counsel for appellant and learned Additional Public Prosecutor gone through the evidence on record. *Prima facie*, it appears that the possibility of false implication cannot be ruled out. The matter

cannot be taken up in near future for final hearing considering the pending matters. As such it will be appropriate to release the applicant on bail and to suspend substantive sentence. Accordingly, I proceed to pass the following order.

ORDER

- i) The application is allowed.
- ii) The substantive sentence imposed upon the applicant-Sambhaji s/o Balaji Selote by the learned Special Court and Additional Sessions Court, Nagpur in Session Trial No.350/2017 by judgment and order dated 13/04/2022, shall remain suspended during the pendency of the present appeal.
- iii) Applicant-Sambhaji s/o Balaji Selote be released on bail on the same terms and conditions of bail, to the satisfaction of the trial Court.
- iv) The applicant to furnish bail bond before the learned Special Court and Additional Sessions Court, Nagpur.

The application stands disposed of.

JUDGE

R.S. Sahare