

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

CRIMINAL APPLICATION [APPA] NO.768 OF 2022

IN

CRIMINAL APPEAL NO.599 OF 2022

[Amol Chandrabhan Gawarguru and others .vs. State of Maharashtra, through Police Station
Officer, Amdapur, Tah. Chikhli, District-Buldana]

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

Court's or Judge's orders

Ms. Deepali Sapkal, Advocate for the applicants-appellants,
Shri A.M. Kadukar, APP for respondent-State.

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CORAM : SMT. M.S. JAWALKAR, J.

DATED : 26/09/2022.

Present application is filed by the applicants-appellants for suspension of sentence and grant of bail. The reply filed by the respondent-State is taken on record.

2. The applicants-accused were convicted for having committed an offence under Section 307 r/w 34 of the Indian Penal Code by the learned Additional Sessions Judge, Buldhana, vide order dated 24.08.2022 in Sessions Trial No.91/2016.

3. It is pointed out by the applicants that they are having a good case on the merits. Moreover, during the trial, they were on bail and they have not misused liberty granted to them. Applicant nos.1, 2 and 4 are the real brothers and applicant no.3 is the father of applicant nos.1, 2 and 4. They are all the earning male members are behind

the bar. The wife of applicant no.1 is eight months pregnant. In view thereof, applicants pray for suspension of sentence and release them on bail. It appears that fine amount is deposited by the applicants-appellants.

4. Considering the pendency and the facts that the during the trial, they were on bail and not misused the liberty granted to them, it would be appropriate to suspend the substantive sentence and to release the applicants on bail. Accordingly, I pass the following order :

ORDER

(i) The substantive sentence which has been passed by the learned Additional Sessions Judge, Buldhana vide order dated 24.08.2022 in Sessions Trial No.91/2016 is hereby suspended during the pendency of the appeal.

(ii) The applicants-appellants be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- each with one surety in the like amount, within a period of one week, to the satisfaction of the Sessions Court. Hamdast granted.

Criminal Application is allowed and disposed of.

[SMT. M.S. JAWALKAR, J.]