

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**949 CRIMINAL APPLICATION NO.947 OF 2023
IN
APEAL/198/2023**

Santosh @ Soham S/o. Kashinath Pawar,
Age; 31 years, Occ; Agril,
R/o; Nasirabad, Tq. Sindkhedraja,
Dist. Buldhana.

...Applicant

VERSUS

The State of Maharashtra,
Through Police Station Inspector
Police Station Ambad,
Tq. Ambad, Dist. Jalna.

...Respondent

...
Advocate for Applicant : Mr. S.R.Bagal h/f Mr.Gadegaonkar Bharat N.
APP for Respondent-State : Mr. N.T.Bhagat
...

CORAM : R. G. AVACHAT, J.

DATE : 09.03.2023.

PER COURT :

1. Issue notice to the respondent-State.
2. The learned APP waives service of notice for the respondent-State.
3. The applicant has been convicted by the trial Court for the offence punishable under Section 304 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for four years and

to pay fine of Rs. 1,000/-, in default to suffer Simple imprisonment for 6 months.

4. The applicant is behind the bars. The period of imprisonment so far undergone by the applicant is four and half months (including period of inquiry/investigation and trial). It will take time to have the appeal to come up for hearing by its turn. It being a short term sentence, the same is suspended. Hence the following order :

ORDER

(a) The application is allowed.

(b) Pending the appeal, the execution of substantive sentence of imprisonment by Additional Sessions Judge -2, Ambad, Dist. Jalna, in Sessions Case No. 47 of 2022 dtd. 02.03.2023 is suspended and the applicant is released on executing P.R. Bond of Rs. 15,000/- (Rs. Fifteen Thousand Only) with one surety in the like amount.

(c) Bail before the trial Court.

(R. G. AVACHAT)
JUDGE