

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

**52 CRIMINAL APPLICATION NO. 1160 OF 2022
IN APEAL/260/2022**

Anil Adhar Bhil,

...Applicant

VERSUS

The State of Maharashtra

...Respondent

...

Advocate for Applicant : Mr.Deshmukh Ravindra M. (Appointed)

APP for Respondent-State : Mr.A.A.Jagatkar

...

CORAM : R. G. AVACHAT, J.

DATE : 10.04.2023.

PER COURT :

1. Heard.
2. Issue notice to the respondent-State. The learned APP waives service of notice for the respondent-State.
3. The applicant has been convicted for the offence punishable under Section 304-II of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 7 years and to pay fine of Rs. 3,000/- with default stipulation.
4. The learned APP has strong reservation to allow the

application. He seeks time to respond this application.

5. The applicant is behind the bars for little over 4 years, as against rigorous imprisonment for 7 years. His appeal is not likely to come up for hearing in near future. In view of the same, although the learned APP has strong reservation to allow the application, the application is allowed. In view of the same, the following order :

ORDER

(a) The application is allowed.

(b) Pending the appeal, the execution of substantive sentences of imprisonment imposed upon the applicant by the learned District Judge-2 and Additional Sessions Judge, Amalner, District Jalgaon in Sessions Case No. 92 of 2019 by the judgment and order dated 13.08.2020, to stand suspended and the applicant be released on bail on his executing PR bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand). Surety bond to be furnished after his release from the jail. If he failed to furnish surety, he shall mark his presence at the concerned Police Station once in a 3 months i.e. on 01.05.2023, 01.08.2023, 01.11.2023, 01.02.2024 and so on, till the decision of the appeal.

(c) The Registrar (Judicial) of this Court to ensure compliance of this order.

(R. G. AVACHAT)
JUDGE

mahajansb/