

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

**CRIMINAL APPLICATION NO.1153 OF 2023 IN
CRIMINAL APPEAL NO.1049 OF 2019**

Dipak Machindra Pise

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. S.R. Wakale, Advocate for applicant
Mr. A.S. Shinde, A.P.P. for respondent, assisted by
Mr. P.M. Salunke, Advocate holding for
Mr. A.D. Ostwal, Advocate for intervener
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CORAM : R.G. AVACHAT, J.

DATE : 3rd APRIL, 2023

PER COURT :

Heard. The applicant has been convicted for the offences punishable under Sections 307, 324, 504 and 506 read with Section 34 of the Indian Penal Code and Section 4/25 of the Arms Act. The maximum sentence of imprisonment imposed upon the applicant is 10 years and fine with default stipulation. This is an application for suspension of sentence of imprisonment pending the appeal. The present one is his third such application since the earlier two have been rejected. The last one was withdrawn in February 2019, necessarily after the

Court expressed disinclination to grant the relief.

2. By now, the applicant is behind the bars for little over four years as against the sentence of ten years imprisonment. The applicant is Veterinary Doctor. He was doing private practice. Although the appeal is of the year 2019, the learned A.P.P. and learned Advocate for the intervener urged for hearing of the appeal on merits instead of granting the application. The fact is, however, that, the applicant is in jail about half of the term of the imprisonment he is supposed to undergo. The record indicates that there was a counter case. The husband of the informant has also been convicted for the offence punishable under Section 323 of the Indian Penal Code. His appeal is also pending.

3. Considering the fact that the applicant is behind the bars close to half of the term of imprisonment he is supposed to undergo, the Court is inclined to allow the application. Hence the order :

ORDER

(i) The application is allowed.

(ii) Pending the appeal, the execution of substantive

sentences of imprisonment imposed upon the applicant by learned Additional Sessions Judge, Ahmednagar by judgment and order dated 6/12/2016 in Sessions Case No.331/2011 to stand suspended and the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not enter the village of the informant for next twelve (12) months.

(iv) The applicant shall mark his attendance at the concerned police station once a month i.e. on first Sunday of every month between 12.00 noon to 1.00 p.m.

(R.G. AVACHAT, J.)

fmp/-