

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

**CRIMINAL APPLICATION NO.1169 OF 2023 IN
CRIMINAL APPEAL NO.268 OF 2023**

Dipak s/o Suresh Bhalshankar

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. Shaikh Mohammad Naseer A., Advocate for applicant
Ms. R.P. Gaur, A.P.P. for respondent
.....

CORAM : R.G. AVACHAT, J.

DATE : 3rd APRIL, 2023

PER COURT :

Heard. Issue notice to respondent. Learned A.P.P.
waives service for the respondent.

2. The applicant has been convicted for the offence punishable under Section 498-A and Section 306 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and five years respectively and fine with default stipulation. Both the substantive sentences have been directed to run concurrently. The appeal filed by the applicant has been admitted by this Court. Since it being a short term sentence

and the appeal is not likely to be heard in near future, the Court is inclined to suspend the sentence of imprisonment during the pendency of appeal. Hence the order :

ORDER

(i) The Criminal Application is allowed.

(ii) Pending the appeal, the execution of substantive sentences of imprisonment imposed upon the applicant by learned Additional Sessions Judge, Bhusawal by judgment and order dated 14/3/2023 passed in Sessions Case No.54/2018 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.

(R.G. AVACHAT, J.)

fmp/-