

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

**919 CRIMINAL APPLICATION NO.3102 OF 2023
IN APEAL/756/2023 WITH APEAL/756/2023**

**PANDURANG KASHINATH PANDIT
VERSUS
THE STATE OF MAHARASHTRA**

...

Mr. P.N. Kalani, Advocate for the applicant.
Mr. P.M. Kulkarni, A.P.P. for respondent – State.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 26th September 2023.

ORDER:-

1. Heard rival submissions.
2. The applicant, who is original accused No.8 in Sessions Case No.84/2016, is seeking suspension of his substantive sentence of imprisonment for five years, for offence punishable under Section 307 of the Indian Penal Code in the said case.
3. The learned A.P.P. strongly opposed the application on the ground that the conviction is recorded by the learned Trial Court after considering the entire evidence on record. The nature of offence is serious and therefore, the application be rejected.
4. However, it appears that the present applicant / accused was on bail throughout the trial. Moreover, he has also paid the fine amount. It is significant to note that out of 10

accused only this applicant/accused is convicted. The other accused are already acquitted. Considering the fact that the applicant/accused was on bail throughout the trial, I am of the opinion that he can be released on bail during the pendency of appeal by suspending his substantive sentence of imprisonment on certain condition. In view of the same, following order is passed.

- (i) The application is hereby allowed and substantive sentence of imprisonment for five years for the offence punishable under Section 307 of the Indian Penal Code imposed upon this applicant in Sessions Case No. 84/2016 is hereby suspended during the pendency of this appeal.
- (ii) The applicant be released on bail on execution of his P.R. & S.B. for Rs. 25,000/-. He is directed not to give threats to the informant or injured during the pendency of this appeal.
- (ii) Bail in lower Court.

(SANDIPKUMAR C. MORE, J.)