

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

**953 CRIMINAL APPLICATION NO.3805 OF 2022
IN APEAL/865/2022**

**BHAGWAN KARBHARI POPALGHAT
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Tabrezuddin Qureshi i/by Mr. Shaikh
Mujtaba Gulam Mustafa

APP for Respondent-State : Ms. R.P. Gaur
Advocate for Respondent No. 2 : Mr. K.G. Gaikwad.

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CORAM : R. G. AVACHAT, J.

DATE : 09.03.2023.

PER COURT :

1. The applicant has been convicted by the trial Court for the offence punishable under Section 307 of the Indian Penal Code ("I.P.C.") and sentenced to undergo rigorous imprisonment for five years and to pay fine of Rs. 10,000/-, (Rs. Ten Thousand Only), in default to suffer Simple Imprisonment for 3 months.

2. The applicant is behind the bars. It will take time for the appeal to come up for hearing by its turn. In view of the above, it being a short term sentence, the same is suspended till the decision of the appeal. Hence the following order :

ORDER

- (a) The application is allowed.
- (b) Pending the appeal, execution of substantive sentence of imprisonment imposed by Additional Sessions Judge, Aurangabad in Sessions Case No. 14 of 2021, dated 29.09.2022, is hereby 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.
- (d) The applicant to deposit an amount of compensation of Rs. 9,000/- (Rs. Nine Thousand Only) with the trial Court, within a period of four weeks from this order.
- (c) Bail before the trial Court.

(R. G. AVACHAT)
JUDGE

mahajansb/