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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4046 OF 2022
IN
CRIMINAL APPEAL NO. 918 OF 2022

Chandrakant Bhaskar Salve

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. Mahesh P. Kale, Advocate for the applicant

Mrs. R. P. Gour, APP for respondent - State

Mr. S. G. Kawade, Advocate for respondents No.2 and 3

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th JANUARY, 2023

ORDER :

1. This application is filed by the applicant seeking suspension of his substantive sentence of imprisonment and for grant of bail.

2. The applicant is convicted by the learned Additional Sessions Judge, Jalna in Sessions Case No. 69 of 2019 for offence punishable under section 304 II of the Indian Penal Code and is sentenced to suffer RI for 5 years and to pay a fine of Rs.50,000/- and for offence punishable under section 185 of the Motor Vehicles Act and sentenced to suffer SI for one month and

to pay a fine of Rs.10,000/-.

3. Heard learned advocate for the applicant, learned Additional Public Prosecutor for the State and the learned advocate for respondents No.2 and 3. Perused the documents placed on record.

4. The application is vehemently opposed by the learned Additional Public Prosecutor and learned advocate for respondents No.2 and 3.

5. The substantive sentence of imprisonment of the applicant, being a short term sentence and as the applicant was on bail during the trial and he has not misused the facility of bail and in view of the fact that the applicant has deposited the fine amount, the applicant deserves to be released on bail.

6. In the result, the application is allowed. Substantive sentence of imprisonment of the applicant is suspended till final decision of the appeal.

7. The applicant be released on execution of Personal Bond of Rs.25,000/- with one surety in the like amount.

[NITIN B. SURYAWANSHI]
JUDGE

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