

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 602/2023
CRIMINAL APPEAL NO. 386/2023

RAM @ BABBU S/O.MURLIDHAR SANTWANI
VS
STATE OF MAH. THR. PSO, BHANDARA, DIST. BHANDARA.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr Motwani, advocate for the applicant.

Mr A.M.Kadukar, APP for the respondent.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/06/2023.

1. Heard.
2. This is an application filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and releasing the applicant/appellant on bail.
3. The applicant/accused was prosecuted for the offence punishable under Section 302 read with 34 of the Indian Penal Code and Section 3(2) (v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, the Police Station Bhandara.
4. As per the contention of the applicant/appellant the learned trial Court recorded the

evidence and held guilty. The present applicant/appellant is convicted for the offence punishable under Section 304 (II) of the Indian Penal Code and sentenced to suffer R.I. for two years and pay fine of Rs. 10,000/-. The fine amount is already paid. It is submitted that the applicant was on bail throughout the trial and he has not misused his liberty while on bail. The appeal will take its own time for its final decision. In the meanwhile, if the sentence is executed then appeal will become infructuous.

5. The said application is opposed by the State on the ground that if the applicant/appellant is released on bail he will not be available for execution of sentence, if the appeal is decided against him.

6. Heard both the sides. Perused the application as well as the impugned judgment.

7. The appellant is held guilty for the offence punishable under Section 304(II) and sentenced to suffer R.I. for two years for imprisonment. The applicant/appellant was on bail during trial and has not misused his liberty. The appeal will take its own time for its final decision. In view of that, application is allowed. Accordingly, I proceed to pass the following order:

- a) Criminal Application is allowed.
- b) The execution of the sentence is suspended till disposal of the appeal and the appellant is released on bail on executing P.R. Bond of Rs. 15,000/- with one solvent surety of the like amount.
- c) The appellant shall furnish his cell phone number and his address along with address proof and address of his two nearest relatives along with address proof before the Sessions Court.

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- 1. Heard.
- 2. Admit
- 3. Call for record and proceedings.
- 4. Appeal be placed before the Court after filing of private paper-book.

JUDGE