



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.65 OF 2024
IN
CRIMINAL APPEAL NO.19 OF 2024

Rajendra @ Raju Ramrao Hambarde	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr.Vijay V. Deshmukh, Advocate for applicant
Mrs.V.S.Choudhary, APP for respondent - State

CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : JANUARY 10, 2024

ORDER :-

Heard both sides.

2. This is an application for suspension of substantive sentence of imprisonment imposed against the applicant/appellant by learned Addl. Sessions Judge-1, Nanded, in Sessions Case No.11 of 2021 for the offence punishable under Section 395 of Indian Penal Code.

3. It is pointed out from the testimony of the witnesses that the witnesses were unable to identify the applicant/appellant, during trial. Admittedly, no test-identification parade was conducted during

investigation though the accused persons were unknown persons. It is also not disputed that the applicant/appellant was on bail during trial.

4. We have perused the judgment of the trial court. It *prima facie* appears that the trial court has considered the evidence of the Investigating Officer and the panchas and reached to the conclusion that the applicant/appellant was one of the participants in the crime.

5. In due course, it would take long time for the appeal to come up for final hearing.

6. In view of the above, we are inclined to suspend the substantive sentence of imprisonment, during pendency of the appeal. Hence, the following order:-

- (i) The application is allowed.
- (ii) During pendency of the appeal, the substantive sentence of imprisonment is suspended. The applicant/appellant be released on bail on furnishing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

- (iii) The applicant/appellant shall attend the concerned police station once in the first week of every month during night time, i.e. between 09.00 p.m. and 11.00 p.m., until further orders.
- (iv) The appellant/appellant shall not change his residential address without intimation to the concerned police station.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP