



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

**908 CRIMINAL APPLICATION NO. 4684 OF 2024
IN APEAL/1167/2023**

Nitin Laxmanrao Aadne
VERSUS
The State Of Maharashtra

...
Mr. Sudarshan J. Salunke h/f Mr. Mayur V. Salunke, Adv. for Applicant
Mr. S. D. Ghayal – Addl. P. P. for Respondent/State
...

**CORAM : R. G. AVACHAT
AND
NEERAJ P. DHOTE, JJ.**

DATED : 28TH NOVEMBER, 2024

PER COURT : -

1. By the present Application, the Applicant has prayed for temporary Suspension of sentence and bail for a period of one month on the ground that his parents need to be consoled after the death of his brother.

2. Heard learned Advocate for the Applicant. He fairly submits that the Applicant's application for suspension of sentence and bail has been rejected by this Court on merits in May-2024. This Application is only for a limited period since the Applicant had not visited his home after the death of his brother and not met his bereaved parents. He submits that the Application be allowed.

3. The Application is opposed by the learned APP. He submits that no such provision is available for temporary Suspension and bail. He submits that his brother was co-convict in this case and he was murdered while he was on furlough leave. He submits that, it is for the safety of the Applicant that he should not come out of the Jail. He submits that the report of the concerned Police Station is adverse. He submits that on the death of the Applicant's brother, the concerned competent authority had granted one day's parole leave to the Applicant on certain conditions which included payment of certain amount, which was not availed by the Applicant. He submits that the Application be rejected.

4. There is no dispute that the co-accused, who was the brother of the Applicant, was killed when he was on furlough leave. It appears that due to the conditions and the charges which were required to be paid to avail the said one day's parole leave, the Applicant could not avail the said one day's parole leave. It is seen that after the death of his brother, he has not visited his home so as to meet his parents. In this view of the matter and on the sole risk of the Applicant, we proceed to pass the following order.

ORDER

[i] The Application is partly allowed.

- [ii] The sentence imposed upon the Applicant is temporarily suspended for a period of 15 (fifteen) days. The Applicant be released on his executing Personal bond in the sum of Rs.15,000/- [Rupees Fifteen Thousand only]. The surety in the like amount be furnished after release within 5 (five) days.
- [iii] The Applicant shall attend Nanalpeth Police Station once in a week i.e. every Monday, between 04:00 pm to 06:00 pm.
- [iv] The Applicant shall surrender to the concerned Jail on the 16th day from the date of his release.

[NEERAJ P DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde