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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.126 of 2024

IN

APPEAL NO.28 OF 2024

Deu Baju Bodake : Appellant/Applicant
Vs.
State of Maharashtra
(Through Karveer Police Station : Respondent

Adv. Manas N. Gawankar for the Appellant/Applicant .
Mr. M.R. Tidke APP for the State.

CORAM : KISHORE C. SANT, J.

DATE : 12th JANUARY, 2024

PC. :

1. The Applicant has filed his Application seeking suspension of sentence and for release on bail. he is convicted for offenses punishable under Section 306 of the Indian Penal Code and sentenced to undergo 5 years rigorous imprisonment and to pay fine of Rs. 2000/- and in default to suffer simple imprisonment for 6 months filed under Sections 306, 506 read with 36 of the Indian Penal Code.

2. The learned Advocate for the Applicant submits that during the Trial the Applicant was on bail. There is no allegation of misuse of liberty. He has also deposited the fine amount of Rs. 3000/- in the Trial

Court on the date of judgment. On merits, he submits that the case of the prosecution is that the Deceased committed suicide by alleging that the that out of six Accused persons, five are acquitted. The present Applicant is only convicted. The allegation is that 8 days prior to the incident of suicide this accused along with others had been to the place where Deceased had gone for work, there he said that he wanted to marry the victim that is said to be the abetment to commit suicide. He thus submits that in fact no case of abetment is made out as there is no aid assistance or instigation at the hands of this Accused and prays for bail.

3. Learned APP submit that the conviction is recorded on the basis of evidence. There is also a chit found wherein the deceased alleged that she is committing suicide because of the accused. Considering the allegations and considering that the sentence is of 5 years. The Applicant is in Jail since 6th December, 2011.

4. This Court finds that this Application deserves to be allowed. Hence following Order.

ORDER

- (a) The Criminal Application stands allowed.
- (b) The substantive sentence awarded by the Additional Sessions Judge, Kolhapur in Sessions Case No.121 of 2016 dated 12th December, 2023 stands suspended.
- (c) The Applicant be released on bail on executing P. R. bond in the sum of Rs. 50,000/- & furnishing two

sureties of 25,000/- each

- (d) The Applicant shall keep the concern Police Station inform about his address and other contact details such as mobile number etc., till disposal of the Appeal.
- (e) He shall not try to contract relatives of the victim.
- (f) The Application stands disposed of.

(KISHORE C. SANT, J.)