

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2448 OF 2023
IN
CRIMINAL APPEAL NO.856 OF 2023

Jony Madhukar Borge	.. Applicant
vs.	
State of Maharashtra	.. Respondent

Ms. Kezal Mehta, Advocate appointed for the Applicant.
Mr. S. V. Gavand APP for the Respondent-State.

HEMANT
CHANDERSEN
SHIV

CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.

DATE : 17th JANUARY, 2024.

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Date: 2024.01.17
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P. C.:-

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail.
- 2) Applicant is convicted under Section 302 of the Indian Penal Code and sentenced to suffer imprisonment for life by the learned Additional Sessions Judge, Nashik in Sessions Case No.129 of 2018 arising out of C.R. No.645 of 2017 registered with Ambad Police Station for the offence punishable under Section 302 of the Indian Penal Code.
- 3) Perusal of the record, *prima facie* indicates that on the date of alleged incident, initially a quarrel took place between the Applicant and his

father wherein the Applicant abused his father and subsequently in the fit of rage, he gave a kick to the chair wherein his father was sitting. That the Applicant also assaulted his father with a wooden rod which was lying thereof without premeditation. *Prima facie* it appears that the act committed by the Applicant is under Section 304 (Part II) and may not be under Section 302 of the I.P.C.

4) In view of the above, during pendency of Appeal, we are inclined to suspend the sentence imposed upon the Applicant/Appellant and release him on bail.

4.1) Hence, the following order :-

(i) Applicant be released on bail in Sessions Case No.129 of 2018 arising out of C.R. No.645 of 2017 registered with Ambad Police Station, Nashik on his furnishing P.R. bond of Rs.25,000/- with one or more local sureties in the like amount.

(ii) After his release from jail and during pendency of the Appeal, Applicant shall attend Ambad Police Station, Nashik on every first Monday of the month between 10.00 am and 12 noon, initially for a period of one year and thereafter on every first Monday of every third calendar month i.e. four times in a year between 10.00 am and 12 noon.

(iii) Applicant shall make himself available at the final hearing of the

Appeal.

5. Application is disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)