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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.4151 OF 2023
IN
CRIMINAL APPEAL NO.1240 OF 2023**

Mr. Shivraj Nandkumar Ombale	..Applicant/Appellant
Versus	
The State of Maharashtra	..Respondent

Mr. Vikas P. Kamble a/w Nagesh Pawar, for the Appellant.
Mrs. M. R. Tidke, APP for the Respondent/State.
Mr. Shivaji Ramesh Kate, PSI, Satara City Police Station – present.

CORAM : KISHORE C. SANT, J.

DATE : 16th FEBRUARY, 2024

PC.

1. Notice issued to the Respondent No.2 is served. In spite of notice, none appears for Respondent No.2. Appeal is already admitted.

2. This Application is filed for suspension of sentence awarded by the learned Trial Court for the offence under Section 307 r/w 34 of the IPC. Applicant is directed to suffer rigorous imprisonment for 5 years and pay fine of Rs.5000/-, in default to suffer simple imprisonment for one month. The fine amount is already paid. Applicant is taken in custody on 27.10.2023 i.e. on the date of the judgment. Till then, the Applicant was on bail during trial. There is no complaint of misuse of liberty. There are no

criminal antecedents.

3. Learned APP opposes the Application submitting that the offence is serious offence. Applicant has assaulted the Respondent No.2. Looking to the gravity of the offence, no bail be granted.

4. This Court finds that since sentence is short sentence, in view of judgment in the case of ***Bhagwan Rama Shinde Gosai & Ors. Vs. State of Gujarat*** reported in ***(1999) 4 SCC 421***, this Application needs to be considered. One more factor that needs to be considered is that in spite of service, none appears for Respondent No.2. As stated above, since this is a short sentence, the application stands allowed.

5. The sentence as awarded by the learned Sessions Judge, Satara in Sessions Case No.117 of 2020 for the offence punishable under Section 307 r/w 34 of IPC *vide* judgment and order dated 27.10.2023 stands suspended.

6. Applicant shall be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one solvent surety.

7. Applicant shall not enter jurisdiction of Satara city, except for attending Police Station.

8. Applicant shall report the concerned Police Station on

every 1st and 3rd Saturday at 11:00 a.m.

9. Applicant shall give his address and other contact details including mobile number etc. to the concerned Police Station. Applicant shall also inform, in case, there is any change in the above contact details.

10. Applicant shall not try to contact Respondent No.2 or witnesses. In case there is breach of any of the conditions, bail shall be liable to be cancelled.

11. With this, the Application stands disposed of.

[KISHORE C. SANT, J.]