



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO.465 OF 2024 IN
CRIMINAL APPEAL NO.262 OF 2024

Sunil S/o Baburao Vaidya Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri A.C. Jaltare, Advocate for appellant.
Shri A.M. Ghogare, APP for respondent/State.

CORAM : SMT. M.S. JAWALKAR &
M.W. CHANDWANI, JJ.
DATE : 22.11.2024.

By this application, the applicant is seeking suspension of substantive sentence and grant of bail. By the impugned judgment and order dated 31.07.2023 by the learned Additional Sessions Judge, Bhandara in Session Trial No.35 of 2016, whereby the applicant has convicted for the offence punishable under Sections 302 and 201 of the Indian Penal Code.

2. Heard learned counsel for the applicant and learned APP for non-applicant/State.

3. Though it is pointed out by the learned APP that in evidence of PW3 and PW9 recorded under Section 164 the trial Court has rightly considered that the accused was in the house at the time of incident, whether statement under Section 164 can be relied upon as objection raised by the learned counsel for the applicant that in cross she has

admitted that she has deposed before the Lakhani Court as per instructions of police. It is a matter of record that the applicant was on bail during trial.

4. After perusing the evidence, CA reports alongwith evidence of doctor, *prima facei*, we are of the considered opinion that the applicant is entitled to be released on bail and suspension of substantive sentence.

5. Considering the grounds raised in the appeal coupled with the fact that there was no allegation of any sort of defiance of conditions of bail, the application is allowed.

6. Pending appeal, execution of substantive sentence shall remain suspended.

7. The applicant be enlarged on bail on furnishing PR bond of Rs.50,000/- with surety of the like amount.

8. The trial Court shall issue release warrant after deposit of entire fine amount.

9. The applicant shall remain present before this Court at the time of final hearing of appeal.

10. The application stands disposed of in the above terms.

(M.W. CHANDWANI, J.)

(SMT. M.S. JAWALKAR, J.)

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