



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

CRIMINAL APPLI. (APPA) NOs. 898 OF 2023 AND 354 OF 2024

IN

CRIMINAL APPEAL NO.11 OF 2023

Mangesh s/o Suresh Zambare

Vs.

State of Maharashtra, through PSO, Ramnagar, District Wardha

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

Mr Mahesh Rai, Advocate for appellant.

Mr Suraj Hulke, APP for State.

CORAM : G.A. SANAP, J.

DATE : 02.07.2024

Heard learned Advocate for the appellant and
learned APP for the respondent/State.

2. The appellant/accused, on conviction for the
offence punishable under Section 376 of the Indian Penal
Code has been sentenced to suffer rigorous imprisonment
for 10 years. He is also sentenced to undergo rigorous
imprisonment for three years under Section 452 of the
Indian Penal Code. These two applications have been
made by the appellant/accused for suspension of sentence
and grant of bail.

3. The main ground for suspension of sentence is
his medical health condition. It is stated that he is
suffering from type II Fissure In Ano. Earlier, he was

operated for this ailment. However, again the said problem has occurred and aggravated. It is stated that he would like to take proper treatment in private hospital. Learned Advocate submitted that for a limited period of four months, the sentence may be suspended, so that, he would be able to take treatment in private hospital.

4. On going through the record and proceedings and particularly report received from the Medical Officer attached to the jail shows that earlier, he was operated for type II Fissure In Ano. The record shows that again this problem has aggravated. It is not the case of the appellant that treatment is not provided to him. It appears that he has no faith in the said treatment.

5. In my view, considering the medical condition the submission of learned Advocate to suspend the substantive sentence of four months is fully justified.

6. Accordingly, the applications are allowed as follows:-

i) The sentence awarded by the learned Adhoc Additional Sessions Judge-1 Wardha in Sessions Case No.61/2017 vide judgment and order dated 31/12/2022 shall remain suspended for four months from the date of release.

ii) Appellant Mangesh s/o Suresh Zambare be

released on bail, on his furnishing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) and one surety in the like amount .

iii) The surety be submitted before the Trial Court.

7. The appellant/accused shall surrender in terms of this order on completion of four months.

(G. A. SANAP, J.)

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