



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

**985 CRIMINAL APPLICATION NO. 2310 OF 2024
IN APEAL/522/2024**

Salim Jamalsab Pinjari

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Satej S. Jadhav h/f Mr. Deshmukh Ashish P.

APP for Respondents-State: Ms. A. S. Mantri

Advocate for Respondent No.2 : Mr. J. R. Nawale (Appointed)

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CORAM : ARUN R. PEDNEKER, J.

Dated : July 02, 2025.

PER COURT :-

1. Present application has been filed by original accused for suspension of substantive sentence imposed on him in by Judgment and order dated 05/04/2024, passed in Sessions Case No.07/2023, by learned Additional Sessions Judge-2, Bhokar, District Nanded.
2. Heard the learned Counsel for the applicant, the learned APP, and the learned appointed Counsel for respondent No. 2.
3. The applicant is convicted and sentenced to seven years of imprisonment, which is the maximum sentence awarded in the present case. The learned Counsel for the applicant submits that the marriage took place more than five years prior to the incident and that the applicant has two children from the deceased.
4. He further submits that the allegation regarding dowry is vague and

general in nature, merely stating that an amount of Rs.50,000/- was allegedly demanded by the applicant from the family of the deceased. It is also submitted that on the day of the incident, the deceased was residing in her matrimonial home and had been brought there by the applicant himself and there was no reason to bring her back, if the dowry demand was made as alleged.

5. Additionally, it is contended that there was no specific triggering point or incident that could have led to the alleged suicide, as no complaint had ever been made prior to the incident regarding dowry demands or cruelty. The learned Counsel also submits that the appeal is likely to take substantial time to be heard and finally disposed of, and that the applicant has already undergone incarceration for 2½ years out of the maximum sentence of seven years.

6. On the other hand, the learned APP and the learned appointed Counsel for the informant submit that there was a demand of Rs.50,000/- by the applicant on the day of the incident. They oppose the suspension of sentence and release of the applicant on bail, contending that the demand for dowry was a contributing factor in the incident.

7. Considering the submissions of both sides, it is noted that there is no prior complaint or record showing that any dowry-related grievance was formally lodged against the applicant before the incident. The hearing of the appeal is likely to take considerable time. The learned Counsel for the

applicant has made out an arguable case for suspension of sentence.

8. Taking into account that the applicant has already undergone 2½ years of imprisonment and the maximum sentence imposed is seven years, this Court is of the opinion that the sentence deserves to be suspended at this stage, subject to the condition that he shall deposit the fine amount before the Trial Court, if the same has not already been deposited, and on the following terms :

ORDER

- 1) The application stands allowed, subject to the condition that the applicant shall deposit the fine amount before the Trial Court, if the same has not already been deposited.
- 2) The sentence imposed on the applicant / appellant in Sessions Case No.07/2023 on 05/04/2024, by Additional Sessions Judge-2, Bhokar, District Nanded, is hereby suspended till the final hearing and disposal of Criminal Appeal No.522 of 2024.
- 3) The applicant/ appellant be released on P.R. of Rs.30,000/- (in words rupees thirty thousand only) with two sureties of Rs.15,000/- each (in words rupees fifteen thousand only).
- 4) Applicant/ appellant shall not commit any criminal activity.
- 5) Applicant/ appellant to remain present before the

learned Trial Judge once in six months, till final hearing and disposal of the appeal, starting from the date he tenders a bail papers and, thereafter, the Trial Judge to fix dates for his subsequent appearances.

6) In case of two consecutive defaults on the part of appellant to remain present before the Trial Court, the Trial Court to inform this Court about the same, and in that case the prosecution would be at liberty to file an application for cancellation of the bail granted to the appellant.

7) Bail before Trial Court.

9. Fees of the appointed advocate is quantified at Rs.10,000/- (in words rupees ten thousand only), to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(ARUN R. PEDNEKER, J.)

vj gawade/-.