

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

**901 CRIMINAL APPLICATION NO.1748 OF 2022  
IN APEAL/400/2022**

**SANDIP @ SONAL SUBHASH PATIL  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

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Senior Advocate for Applicant : Mr. Rajendra S. Deshmukh a/w  
Mr. Vishal A. Chavan i/b Mr. Devang R. Deshmukh  
APP for Respondent no.1-State: Mr. B. V. Virdhe  
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**CORAM : SANDIPKUMAR C. MORE, J.  
[VACATION COURT]**

**DATED : 31/05/2022.**

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***P. C. :***

1. The applicant Sandip @ Sonal Subhash Patil, who is original accused No.2 in Sessions Case No. 173 of 2019 has preferred this application for suspension of sentence awarded by the learned Additional Sessions Judge, Bhusawal, District Jalgaon under impugned judgment and order dated 04/05/2022. Under the aforesaid impugned order, the applicant Sandip @ Sonal Subhash Patil is convicted for the offence punishable under Section 304(ii) of Indian Penal Code and sentenced to suffer RI for seven years and

fine of Rs.2,000/- in default to undergo SI for one month. He is also convicted for the offence punishable under Section 323 of IPC and sentenced to suffer SI for one year and fine of Rs.500/- in default to undergo SI for seven days.

2. Heard the learned senior counsel Mr. Deshmukh for the applicant and also the learned APP. The learned APP has strong objection in respect of releasing the applicant on bail during pendency of the appeal and for suspension of his sentence as mentioned above.

3. Perused the impugned judgment and order along with order passed by the learned Additional Sessions Judge, Bhusawal below Exh.87 in Sessions Case No. 173 of 2019. It appears that though the applicant was refused bail during trial before the learned Additional Sessions Judge, Bhusawal, but it appears that the applicant has already in jail for about three years out of the total period of seven years for which he has been sentenced. Further the applicant has already deposited the fine of Rs.2,500/- on the same day of the impugned judgment before the learned Additional Sessions Judge, Bhusawal. Considering this aspect, I am of the opinion that during the pendency of the appeal applicant Sandip @ Sonal Subhash Patil can be released on bail. Hence, I pass following order.

**ORDER**

- I) Criminal Application is hereby allowed.
- II) The substantial sentence of imprisonment awarded to applicant Sandip @ Sonal Subhash Patil of seven years for the offence punishable under section 304(ii) of Indian Penal Code and sentence of imprisonment for one year for the offence punishable under Section 323 of IPC IPC in Sessions Case No. 173 of 2019 under judgment and order dated 04/05/2022 by learned Additional Sessions Judge, Bhusawal is hereby suspended during pendency of appeal and till then the applicant be released on execution of PR bond of Rs.15,000/- and with one solvent surety in the like amount.
- III) Parties to act upon authenticated copy of this order.

**(SANDIPKUMAR C. MORE, J.)**