

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

**CRIMINAL APPLICATION NO.2319 OF 2015.
IN
CRIMINAL APPEAL (STAMP) NO.386/2015.**

**IJAJ HAJI ABDUL GANI.
VERSUS
THE STATE OF MAHARASHTRA.**

Appearance =>

Mr. N.S. Jaju, Advocate h/for Mr. Ruchir S. Wani, Advocate for the Applicant.

Mr. A.V. Deshmukh, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 30th April, 2015.

Per Court :-

This is an Application for suspension of substantive jail sentence and for grant of bail.

[2] The Additional Sessions Judge, Nandurbar vide his Judgment and Order dated 9th February, 2015 passed in Special Case No.2 Of 2009 convicted the Applicant for offence punishable under Section 324 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for one year and to pay fine of Rs.2000/- and in default of payment of fine amount, to suffer further rigorous imprisonment for one month.

[3] Heard Mr. N.S. Jaju, Advocate h/for Mr. Ruchir S. Wani, Advocate for the Applicant and Mr. A.V. Deshmukh, Additional Public Prosecutor for the State of Maharashtra.

[4] Mr. N.S. Jaju, learned counsel for the applicant submits that on 9th February, 2015 itself the Applicant has deposited the entire fine amount and the learned trial court has suspended the substantive jail sentence till 8th May, 2015 and the Applicant is released on bail.

[5] Looking to fact that sentence imposed is for limited duration and since the Applicant was on bail, present Application can be considered favourably. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Substantive Jail sentence passed by the learned Additional Sessions Judge, Nandurbar vide his Judgment and Order dated 9th February, 2015 passed in Special Case No.2 Of 2009 shall remain suspended, during pendency of present Criminal Appeal.

(iii) Applicant shall be released on bail on he executing PR. Bond of Rs. 15,000/- [Rs. Fifteen Thousand.] with one solvent surety in the like amount.

(iv) Bail before trial court.

(v) Applicant shall remain present before this court, at the time of final hearing of Criminal Application.

(vi) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)