

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

**CRIMINAL APPLICATION NO. 2440 OF 2015
IN
CRIMINAL APPEAL NO. 403 OF 2015**

Popat s/o ramdas Dhadge

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. N.V.Gaware, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 6th MAY, 2015

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PER COURT :

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

2. Heard Mr. N.V.Gaware, learned Counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for respondent – State.

3. Applicant is convicted by the learned Additional Sessions Judge, Ahmednagar in Sessions Case No. 37/2012 for the offence punishable u/s 353 of the Indian Penal Code and directed to suffer Rigorous Imprisonment for one year and to

pay fine of Rs. 1,000/-, in default of payment of fine, to suffer Rigorous Imprisonment for one month.

4. Learned counsel for the applicant submits that entire fine amount is already deposited. He submitted that at no point of time, applicant has mis-used the liberty granted to him by the Court below. Statement accepted.

5. According to the learned counsel for the applicant, learned Judge of the Court below exercised the powers u/s 389 of Cr.P.C. to enable the applicant to approach this Court.

6. Looking to the quantum of sentence imposed upon the applicant and the fact that present Appeal can not be taken up for final hearing in the near future in view of the pendency of the Appeals since the year 2000, present application can be considered favourably.

7. In that view of the matter, I propose to pass the following order.

(i) The present application is allowed.

(ii) The substantive jail sentence imposed upon the applicant by the learned Additional Sessions Judge, Ahmednagar in Sessions Case No. 37/2012 for the offence punishable u/s 353 of the Indian Penal Code be suspended during the

pendency of the present Appeal and the applicant be released on bail on he executing P.R. Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] with two solvent sureties of like amount. Bail before the trial Court.

(iii) The applicant shall remain present before this Court at the time of final hearing of the present Appeal.

(iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]