

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**CRIMINAL APPLICATION NO.1692 OF 2013
IN
CRIMINAL APPEAL NO.1036 OF 2013**

Pramod @ Tatya Anil Sawant ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

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Ms.M.A.Devkar i/b. Mr.Shankar M.Katkar, Advocate for the Applicant.

Mrs.M.R.Tidke, APP for the Respondent/State.

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CORAM : ABHAY M. THIPSAY J.

DATED : 15TH OCTOBER 2015

P.C.

1. Heard the learned counsel for the applicant.
2. The appeal filed by the applicant/appellant challenging his conviction and the sentence imposed upon him has already been admitted. By the present application, he prays that pending the hearing and final disposal of the appeal, the substantive sentence imposed upon him, be suspended, and that he be released on bail.
3. The substantive sentence imposed upon the appellant is of Rigorous Imprisonment for seven years.

4. Some of the co-accused, who were similarly convicted and sentenced, have also appealed against their conviction and the sentence and the appeals filed by them are pending. The sentences imposed upon them have been suspended during the pendency of their appeals. The learned counsel for the appellant submits that the case of the applicant is not in any way different from that of co-accused-Vishal i.e. original accused No.5, whose sentence has been suspended during the pendency of the appeal filed by him (Criminal Appeal No.981 of 2013). It is also pointed out that the applicant was on bail during the trial. He was released on bail by this Court after he had remained in custody for a period of about five months.

5. The applicant had remained in custody from the date of his conviction i.e. 24/07/2013.

6. Considering all the relevant aspects of the matter, including the fact that a number arguable points arise, the sentence already undergone by the applicant, and that the appeal would take some time for its final hearing, in my opinion, a case for suspension of sentence is made out.

7. The application is allowed.

8. Pending the hearing and final disposal of the appeal, the substantive sentence imposed upon the applicant/appellant shall stand suspended; and the applicant/appellant shall be released on bail in the sum of Rs.30,000/-, with one surety in like amount, on the condition that the applicant shall report to the trial Court on the first Monday of each calender month till disposal of the appeal against him.

9. Should the trial Court be closed on any given Monday, the applicant shall report to the trial Court on the next working day. Any default in reporting to the trial Court as directed, shall forthwith be brought to the notice of this Court by the trial Court.

(ABHAY M. THIPSAY J.)

CERTIFICATE

Certified to be true and correct copy of the
original signed Judgment/Order.