

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 53 OF 2015
IN
CRIMINAL APPEAL NO. 60 OF 2015

Satish Pandurang Bhamre. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Aniket Nikam, advocate for Applicant.

Ms. R.V. Newton, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 21, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the Learned
APP for State. Perused the papers.

2 This is an application under Section 389 of the Code of Criminal
Procedure, 1973 seeking suspension of substantive sentence. The
applicant herein is convicted for offence punishable under Section
363 of the Indian Penal Code and is sentenced to suffer R.I. for 3
years and fine of Rs. 10,000/- i.d. to suffer R.I. for 6 months by the

Additional Sessions Judge, Nashik in Sessions Case No. 348 of 2013 vide Judgment and Order dated 24/12/2014.

3 The Learned Counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any condition imposed upon him. The substantive sentence imposed upon the applicant is also suspended after conviction by the learned Sessions Judge till 24/1/2015. The fine amount is paid. The sentence imposed upon the applicant is a short term sentence and it is not likely that the appeal would reach the stage of final hearing in near future. Hence, he prays for enlargement on bail.

4 Taking into consideration the fact that the sentence is a short term sentence, this Court is inclined to allow the application.

5 Hence, following order is passed :

ORDER

(i) The application is allowed.

- (ii) The substantive sentence imposed upon the applicant be suspended. The applicant be enlarged on bail. Same bail fresh bond.
- (iii) The applicant shall furnish his fresh bond within a period of 4 weeks from the date of this order, failing which the order granting bail stands cancelled.
- (iv) The applicant shall report to the concerned Additional Sessions Judge-1, Nashik once in six months on the date specified by the concerned Court. Upon failure to attend on two consecutive dates, the concerned Court shall inform the High Court forthwith and take appropriate action.

6 The Application is disposed of on the above terms.

(SMT. SADHANA S. JADHAV,J)