

JPP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION**

**CRIMINAL APPLICATION NO. 232 OF 2015  
IN  
CRIMINAL APPEAL NO. 438 OF 2012**

Gopinath @ Gopya Shantaram Mhatre. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Mrs. Nasreen S.K. Ayubi for the Applicant.  
Mr. H.J. Dedhia, APP for the State.

**CORAM : P.V. HARDAS &  
Dr. SHALINI PHANSALKAR-JOSHI, JJ.**

**MARCH 03, 2015.**

**P.C. :-**

This Application has been sent by the Applicant from Jail praying that the substantive sentence of imprisonment be suspended and the Applicant be released on bail pending the decision of the Appeal.

2. The Applicant stands convicted alongwith the co-accused for offence punishable under Section 302 r/w. 120-B and under Section 301 r/w. 120-B of the Indian Penal Code. The Applicant had earlier filed Criminal Application No. 697 of 2012. The Division Bench of this Court by its order dated 4.5.2012 rejected the prayer of the Applicant for suspension

of sentence and releasing the Applicant on bail. The present Application is a second application seeking same relief which has been filed by the Applicant.

3. We have heard the learned Counsel appointed for the Applicant and the learned APP. In the light of the findings recorded by this Court in its order dated 4.5.2012, we are not inclined to suspend the substantive sentence of imprisonment and to release the Applicant on bail.

4. Accordingly, this Application is dismissed. We however expedite the hearing of the Appeal.

**(DR.SHALINI PHANSALKAR-JOSHI, J.) (P.V. HARDAS, J.)**