

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 261 OF 2015
in
CRIMINAL APPEAL NO. 275 OF 2015

Hemraj Pralhad Nirmal	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Neha Bhandari Sutaria with Mr. Niranjan Mundargi, Advocate for the applicant.
Ms. R.V.Newton, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 12th March, 2015.

P.C.

This is an application under Section 389 of the Code of Criminal Procedure, 1973, seeking suspension of substantive sentence.

2. The applicant herein is convicted for the offence punishable under Section 498A of IPC and sentenced to R.I. for two years and to pay fine of Rs.1,000/- in default to suffer R.I. for two months in Special (Atro) Case No.7 of 2012 by the Addl. Sessions Judge, Raigad vide judgment and order dated 21.1.2015.

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

conditions imposed upon him. Hence, he is entitled to extension of the same relief during the pendency of the appeal. The learned counsel submits that since the applicant was on bail during the pendency of the trial and the sentence imposed upon him is a short-term sentence, the substantive sentence has been suspended by the Addl. Sessions Judge, Raigad. Hence, the applicant deserves to be enlarged on bail.

ORDER

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

Application is disposed of in the above terms.

(SMT.SADHANA S.JADHAV, J.)