

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

**CRIMINAL APPLICATION NO.382 OF 2014
IN
CRIMINAL APPEAL NO.290 OF 2014**

Aakash Ramchandra Chavan

@ Robin Thomas John

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

.....

Mrs. Nasreen Ayubi, Advocate appointed present in APPA/382/12
in Appeal No.290/14.

Mr. Deepak Thakre, APP for the Respondent-State.

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CORAM : ABHAY M. THIPSAY J.

DATED : 28TH APRIL 2015

P.C.

1] The appeal filed by the applicant challenging his conviction and the sentence imposed upon him by the Additional Sessions Judge has already been admitted. By the present application, the applicant prays that the substantive sentence imposed upon him be suspended during the pendency of the appeal and that he be released on bail.

2] The applicant has been convicted of an offence punishable under section 394 of the Indian Penal Code read with section 397 of the Indian Penal Code and has been sentenced to

suffer R.I. for 7 years and to pay fine of Rs.5,000/-, in default, to suffer R.I. for 6 months.

3] The conviction of the applicant is based on his identification as one of the culprits by two witnesses. Except the identification, there is no other evidence to connect him with the alleged offences.

4] The applicant was in custody for quite sometime during the pendency of the trial. His conviction was recorded on 19th September, 2011 and since then, he is in custody. It appears that the applicant has actually remained in custody for a period of about 5 years. The appeal is not likely to be heard within a very short time.

5] Considering all the relevant aspects of the matter, I am inclined to allow the application.

6] Pending the hearing and final disposal of the appeal, the substantive sentence imposed upon the applicant shall stand suspended; and the applicant shall be released on bail in the sum of Rs.20,000/-, with one surety in like amount, on the condition that the applicant shall report to the trial Court on the first Monday of each calendar month till the disposal of the appeal. Should the trial Court be closed on a given Monday on account of holiday, the applicant shall report to it on the next working day.

7] A copy of this order be forwarded to the applicant in Prison.

8] The prison administration be required to report the compliance.

(ABHAY M. THIPSAY J.)