

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 657 OF 2015
IN
CRIMINAL APPEAL NO.618 OF 2015

Prakash B. Ghorpade V/s. The State of Maharashtra

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. H.K. Potdar i/by Mr.V.N. Shinganapurkar,
for the applicant-appellant.

Mrs.P.P. Bhosale, APP for the respondent-State.

CORAM : A.R. JOSHI, J.
DATE : 16TH JULY 2015

P.C.:

1. Heard learned counsel for the applicant-appellant.

Also heard learned APP for the State.

2. This is an application for bail during the pendency of appeal. The applicant-appellant is convicted for the offence punishable under section 326 of Indian Penal Code. Initially charge under section 307 was brought down to section 326 of Indian Penal Code. Reportedly there is no appeal preferred by the State and there is no proposal yet pending for filing the appeal by the State challenging the acquittal under section 307 of Indian

Penal Code. Applicant-appellant is sentenced to suffer RI for one year and pay fine of Rs.5,000/- for the offence punishable under section 326 of Indian Penal Code. During the trial the applicant-appellant was on bail and after conviction he was granted bail till filing of the appeal. In the present matter though the appeal was filed and admitted, that time this fact was not brought to the notice of the Court and application for bail was adjourned and today it is taken for final order. As such by this date the applicant-appellant is on earlier bail granted by the Trial Court which apparently came to an end on filing of the appeal. Though this is infact the abnormal procedure as to present applicant-appellant is not on bail but still enlarge, now at this juncture the present application is being heard and for that purpose he was directed to remain present before the Court. Accordingly he is present before the Court today.

3. Admittedly there is no appeal preferred by the State for challenging his acquittal under section 307 of Indian Penal Code so also there is no appeal by the State for enhancement of

the sentence though during the argument it is stated by the learned APP that the sentence is only for one year for the offence punishable under section 326 of IPC.

4. Learned APP stated on instructions from concerned officer Mr.S.Y. Talekar that the appeal is not preferred for challenging the acquittal under section 307 or for enhancement of the sentence.

5. Considering the rival submission and no immediate prospects of taking of the appeal for final hearing, the present applicant-appellant be released on same bail as granted by the trial Court with fresh bond to be executed before the trial Court. Bail procedure to be concluded within one week from today. Application is accordingly disposed of.

(A.R. JOSHI, J.)