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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.788 of 2015

IN

CRIMINAL APPEAL (Stamp) No. 655 of 2015

Gorakh Vitthal Badwar ..Applicant/Appellant.

Vs

The State of Maharashtra ..Respondent.

Mr Sachin B. Deokar i/by Sandip Shinde for the Applicant/
Appellant.

Mrs Anamika Malhotra, APP for the State.

CORAM : A.R.JOSHI, J

DATE : 8th July, 2015

PC. :

- 1) Heard the learned counsel for the applicant and also the learned APP for the State.
- 2) During the trial, the appellant/applicant original accused No.1 was on bail and after his conviction also he was granted bail till filing of the appeal. But apparently he had over stayed the bail and even did not appear to attend the trial Court when the appeal was not filed within time. In fact, it was duty to surrender if the appeal was not preferred within the period prescribed by law. For the reason of not knowing the legal position, apparently he had filed appeal belatedly by ten days. But, still in the opinion of this Court, for the over stay penalty is required to be imposed on him while granting him bail during the pendency of the appeal, as after conviction he was sentenced to suffer RI for one year on each count and to pay

Rs.1000/- towards fine amount on each count. Reportedly, both the fine amounts have been paid. As such, the present application for bail during the pendency of the appeal is allowed. The applicant be released on same bail, as earlier granted by the trial Court, with fresh bonds to be executed before the trial Court. This order will be effective only after the present applicant / appellant deposits penalty of Rs.5000/-(Rupees Five Thousand) before the trial Court and then only the present bail order shall be effective and shall be implemented by the trial Court.

Application is disposed of accordingly.

(A.R.JOSHI, J.)