

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 316 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 9 OF 2015

Chandrakant Dattaram Dhage	...	Applicant
vs.		(Orig. accused No.1)
The State of Maharashtra & Anr	...	Respondents

Mr. S.R.Chitnis, Senior Counsel, a/w Mr. S.R.Phanse,i/b. Mr. Ashish S. Sawant,for the applicant.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 4th September, 2015.

P.C.

The applicant herein is convicted by the Assistant Sessions Judge, Greater Bombay, in Sessions Case No.449 of 2009 for an offense punishable under Section 307 read with Sections 147, 148 and 149 of the Indian Penal Code and sentenced to rigorous imprisonment for three years and to pay fine of Rs.5,000/- in default S.I. for six months vide judgment and order dated 16.12.2011.

2. Being aggrieved by the said judgment and order, the applicant filed Criminal Appeal No.22 of 2012 before the Sessions Court at Mumbai. The learned Sessions Court vide judgment and order dated 16.12.2014 was

pleased to dismiss the appeal. The applicant was taken into custody on the same day.

3. The learned Senior Counsel for the applicant submits that being aggrieved by the judgment and order passed by the Sessions Court, has preferred the present Revision Application. During the pendency of the appeal filed by the present applicant, he was taken into custody on 18.6.2013 in C.R. No.229 of 2012. With the sanction of the Sanctioning Authority, the applicant is being prosecuted under the provisions of MCOC Act, 1999. In view of this, the learned counsel for the applicant had not pressed for an application seeking suspension of substantive sentence in the present Revision Application. The original accused Nos. 2 and 3, who were also convicted along with the present applicant, were granted bail by this Court in the Revision Application vide order dated 13.2.2015, whereas the application under Section 439 of Cr.P.C. filed by the present applicant was pending before this Court vide the application No.1171 of 2014

4. This Court vide order dated 30.7.2015 has allowed Criminal Bail Application No.1171 of 2014 on the condition that the applicant shall be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more local solvent sureties. Hence, the present applicant is on bail

in MCOC Special Case Nos. 5 and 13 of 2013.

5. The learned counsel for the applicant submits that in the present Revision Application, the applicant has undergone sentence of about ten months, including in trial period of detention. The Revision Application has been admitted. Since the original accused Nos. 2 and 3 have been enlarged on bail, in the present case, the applicant also deserves to be enlarged on bail.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail fresh bonds.
- (iii) The applicant shall report to the Court of Assistant Sessions Judge once in six months as may be directed by that Court.
- (iv) In case of failure to attend on any two consecutive dates, the prosecution will be at liberty to apply for cancellation of bail.

Application is allowed and disposed of.

(SMT.SADHANA S.JADHAV, J.)