

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1203 OF 2014
IN
CRIMINAL APPEAL NO. 732 OF 2014

Rajkumar Salun Roy	...	Applicant
vs.		
The State of Maharashtra	...	Respondents

Ms. Apeksha Vora, Advocate for the applicant
Ms. Veera Shinde, APP, for the respondent-State.

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

P.C.

Heard. This is an application under Section 389 of Cr.P.C. seeking suspension of substantive sentence imposed upon the applicant.

2. The applicant herein has been convicted for the offence punishable under Section 363 of IPC and is sentenced to undergo R.I. for a period of three years and fine of Rs.1,000/- in default to further undergo R.I. for six months by the Addl. Sessions Judge, Greater Mumbai, in Sessions Case No. 342 of 2013 vide judgment and order dated 28.2.2014.

3. This is an appeal received through Jail and this Court had requested the learned Advocate Ms. Apeksha Vora to espouse the cause of the appellant.

4. The applicant herein was arrested on 9.2.2013 in Crime No.21 of 2013 and he has been in jail since then. The applicant has been sentenced to substantive sentence of three years. However, he has undergone more than two years in jail.

5. The learned counsel for the applicant rightly submits that the applicant has been sentenced to a short-term sentence. The learned counsel submits that the applicant has undergone more than half of the substantive sentence imposed upon him and hence, he is entitled to grant of bail.

6. Taking into consideration the quantum of sentence imposed upon the applicant and the submissions advanced across the bar, this Court is inclined to suspend the substantive sentence.

ORDER

(i) The application is allowed. The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail on furnishing P.R.Bond/Personal Bond without sureties.

(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 three months on the date specified by the concerned Sessions Court till the conclusion of the appeal. Upon failure to attend on two consecutive dates, the

concerned Sessions Court shall inform the High Court forthwith and take appropriate action.

(iv) The order be communicated to the applicant in jail i.e. Central Prison Nashik as well as the Superintendent, Central Prison Nashik.

(v) The professional fees of Ms. Apeksha Vora, Advocate appointed, is quantified at Rs.3,000/- (Rupees three thousand only) to be paid to the learned Advocate within three months from today.

Application is disposed of in the above terms.

(SMT.SADHANA S.JADHAV, J.)