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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2187 OF 2016

Mohan Eknath Upasani

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr P. V. Barde, Advocate for applicant;

Ms R. P. Gaur, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 16th April, 2016

ORAL ORDER :

Heard learned Counsel appearing on behalf of the applicant.

2. By the present application, the applicant seeks suspension of substantive sentence and his release on bail.

3. The applicant is convicted by the learned Judicial Magistrate First Class, Rahata in R.C.C. No. 89 of 2008, by an order dated 30th July, 2015, for offence punishable under Section 381 of the Indian Penal Code, which order was confirmed by the learned 2nd Additional Sessions Judge, Kopergaon, in Criminal Appeal No. 35 of 2015 on 13th April, 2016.

4. It is not in dispute that the applicant was on bail during the trial, so also during pendency of appeal and has paid the fine amount and he has not misused the liberty.

(2)

5. In the above background, in my opinion, the applicant is entitled to be released on bail. Hence, I pass following order :

(a) The substantive sentence imposed on the applicant shall stands suspended.

(b) Applicant be admitted on bail on the same terms as were imposed by the learned trial Court while granting bail.

6. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

sjk