

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

CRIMINAL APPLICATION NO.2341 OF 2016 IN
CRIMINAL APPEAL NO.276 OF 2016

Tukaram Vishwanath Nimise ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri V.B. Jagtap, Advocate holding for
Shri V.D. Sapkal, Advocate for applicant
Shri S.M. Ganachari, A.P.P. for respondent/Stat
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CORAM: A.I.S. CHEEMA, J.

DATED: 27th April, 2016.

ORAL ORDER :

1. Heard learned counsel for the applicant and learned A.P.P. for the respondent/ State. Perused record. The appellant - accused has been convicted under Section 254-A of the Indian Penal Code and has been sentenced to suffer rigorous imprisonment for a period of six months. It is stated that he has already paid the fine. The counsel for the applicant submits that,

the applicant was on bail even during the course of trial and never misused the liberty and as such, he may be granted bail in the appeal also.

2. Looking to the short sentence which has been passed, and the fact that the appeal will take time for decision and also considering that the appellant was on bail during the course of trial and there is no complaint of misuse of the liberty, the application is allowed. The sentence of imprisonment only, as awarded to the appellant - accused is suspended during the pendency of the appeal. Subject to the applicant - accused submitting bail before the trial Court, he shall be released on P.R.B. and S.B. of Rs.20,000/- in the trial Court. At the time of releasing the applicant - accused on bail, the trial Court shall add condition of accused marking presence in the trial Court every three months, till disposal of the Criminal Appeal. Trial Court shall yearly send report in January of marking presence by accused in this regard to this Court till disposal of appeal.

3. The applicant - accused shall appear before the trial Court on 4th May 2016 for compliance of these directions and the trial Court shall send report of compliance.

4. Criminal Application is accordingly disposed of.

(A.I.S. CHEEMA, J.)

fmp/cr2341.16