

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 468 OF 2016
IN
CRIMINAL APPEAL NO. 264 OF 2016

Pramod Abhiman Lande	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Jaydeep D. Mane, Advocate for the applicant.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 4th May, 2016.

P.C.

This is an application under Section 389 of Cr.P.C. seeking suspension of substantive sentence.

2. The applicant herein is convicted for the offence punishable under Section 506 of IPC and is sentenced to undergo R.I. for five years and fine of Rs.10,000/- in default S.I. for three months by Addl. Sessions Judge, Solapur in Sessions case No.290 of 2011 vide judgment and order dated 4.3.2016.

3. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. It is further submitted that the learned Sessions Judge has not recorded a precise finding as to whether the accused has been convicted for the offence punishable under Section 506(I) or 506(II) of IPC. It is further submitted that as contemplated under Section 385 sub-clause (2) of Cr.P.C. since the offence punishable under Section 506 of IPC is a bailable offence, the learned Sessions Judge has suspended the substantive sentence to enable the appellant to file an appeal before the higher court.

4. Be that as it may, the sentence imposed upon the applicant is a short-term sentence, it is not likely that the appeal would be heard in near future. Hence, this application 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 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall furnish bail bonds within four weeks from today. Upon failure to furnish the fresh bail bonds within four weeks, the learned Sessions Judge, Solapur, shall issue non-bailable warrant against the appellant, calling upon him to serve the rest of the sentence.

(iii) the applicant shall cause his appearance before the Sessions Court, Solapur, once in six months on the dates specified by that Court.

(iv) Upon failure to attend the Sessions Court on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.

Application stands disposed of in the above terms.

(SMT.SADHANA S.JADHAV, J.)