

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 563 OF 2016
IN
CRIMINAL APPEAL NO. 307 OF 2016

Biru Sayappa HatagaleApplicant

V/s.

The State of MaharashtraRespondent

Mr. Kuldeep Nikam Advocate for Applicant.

Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : APRIL 29, 2016.

PC :

Heard. This is an application under section 389 of Code of Criminal Procedure, 1973 seeking suspension of substantive sentence. Applicant herein is convicted for offence punishable under section 498 (A) of Indian Penal Code and sentenced to suffer rigorous imprisonment for 3 years and fine of Rs. 3,000/- in default to suffer simple imprisonment for one month by the Special Judge and Additional Sessions Judge – 2 Sangli in Sessions Case No. 107 of 2015 vide Judgment and Order dated 29/03/2016.

2) Learned counsel for the applicant submits that case rests upon three dying declarations. The wife of the applicant is alleged to have committed

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suicide after twenty years of marriage. Applicant was arrested on 23/01/2015 and continues to remain in custody. It is further submitted that sentence imposed upon the applicant is a short term sentence and it is not likely that the appeal would be heard in the near future.

3) In view of this, applicant deserves to be enlarged on bail during the pendency of appeal.

ORDER

- (i) Application is allowed.
 - (ii) The substantive sentence imposed upon the applicant is hereby suspended and he be enlarged on bail on furnishing P.R. bond in the sum of Rs. 20,000/- and one or more sureties in the like amount.
 - (iii) Applicant shall cause his appearance before Additional Sessions Judge, Sangli once in six months on the date as specified by the Sessions Judge, till the conclusion of appeal.
 - (iv) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.
- 4) Application is allowed in the above terms and stands disposed of.

(SMT. SADHANA S. JADHAV, J.)