

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1533 OF 2015

IN

CRIMINAL APPEAL NO.1139 OF 2015

Abhinandan Ratan Zende

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Mr.A.V.Bedekar, Advocate appointed for the applicant.

Mr.V.B. Konde Desmukh, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 4th APRIL 2016

P.C. :

1 Heard Mr.A.V. Bedekar, learned counsel for the applicant/appellant appointed under the Free Legal Aid Scheme to prosecute the present application and the Appeal. Heard Mr.V.B.Konde Deshmukh, learned APP for the State.

2 I have gone through the report received from the prison showing that the applicant has already undergone a sentence of three years and seven months, including the remission of 21 days. The sentence imposed upon the appellant is of Rigorous Imprisonment for five years.

3 The act of firing has not been attributed to the present applicant and it has been attributed to Deepak Patil – the original

accused no.1. The applicant appears to have been arrested on the basis of the statement made by the said Deepak Patil who appears to have been apprehended on the spot after the incident.

4 Considering all the relevant aspects of the matter, and after carefully going through the reasoning of the learned trial Judge with respect to the conclusion of the applicant being guilty of the alleged offence, I am inclined to suspend the sentence imposed upon the applicant during the pendency of the Appeal. This is particularly so because the Appeal cannot be taken up for final hearing within a short time.

5 Application is allowed.

6 Pending the hearing and final disposal of the appeal, the substantive sentences imposed upon the applicant/appellant shall be suspended, and the applicant shall be released on bail in the sum of Rs.25,000/- with one surety in like amount or two sureties in the sum of Rs.12,500/- each on the condition that the applicant shall report to the Karad Police Station on every alternate Sunday till the disposal of the Appeal.

7 Any default by the applicant in reporting to the Karad Police Station as directed above, shall forthwith be brought to the notice of this Court by the Officer in-charge of the said police station for further appropriate action.

8 Application is allowed and disposed of in the aforesaid terms.

9 A copy of this order be forwarded to the applicant in prison.

10 The prison authorities shall do the needful and report compliance to this Court.

(ABHAY M.THIPSAY, J)