

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 162 OF 2016
IN
CRIMINAL APPEAL NO. 90 OF 2016

Mummurti Kumpanand Harijan. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Sushrut Jadhwar, advocate for Applicant.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : FEBRUARY 11, 2016

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State.

2 This is an application under Section 389 of the Code of Criminal
Procedure, 1973. The applicant herein is convicted for an offence
punishable under Section 353 of the Indian Penal Code and sentenced
to suffer R.I. for 6 months and to pay fine of Rs. 500/- I.d. to suffer
S.I. for 3 months by the Additional Sessions Judge, City Civil &

Sessions Court, Greater Bombay in Sessions Case No. 684 of 2013 vide Judgment and Order dated 1/12/2015.

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 condition imposed upon him and hence he is entitled to extension of the same relief during the pendency of the appeal. The learned Counsel for the applicant further submits that the sentence imposed upon the applicant is a short term sentence and hence, he be granted bail.

4 The substantive sentence has been suspended by the learned Sessions Court to enable the applicant to file an appeal. Hence, the following order :

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail fresh bond.

(iii) The applicant shall furnish bail bonds before the Sessions Court within 3 weeks from today. Upon failure to furnish fresh bail bonds within 3 weeks, the learned Sessions Court shall issue non-bailable warrant against the applicant calling upon him to serve rest of the sentence.

(iv) The applicant shall furnish his details like residential address, contact numbers like landline number, cell phone numbers etc. to the concerned court.

(v) The applicant shall report the Court of Sessions, Greater Bombay once in 6 months. Upon failure to attend the concerned court on two consecutive dates, the prosecution is at liberty to move for cancellation of bail.

5 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)