

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 205 OF 2016
IN
CRIMINAL APPEAL NO. 126 OF 2016

Pradeep Purnachandra Mohanti. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Raju D. Suryawanshi, advocate for Applicant.

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

CORAM : SMT. SADHANA S. JADHAV,J
DATE : MARCH 1, 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 seeking suspension of substantive sentence imposed
upon the applicant. The applicant herein is original Accused No. 1 in
Sessions Case No. 165 of 2013. The applicant has been convicted for

the offence punishable under Section 3 and 4 of the PITA Act and sentenced to suffer R.I. for 2 years and to pay fine of Rs. 2000/- I.d. further S.I. for 3 months by the Additional Sessions Judge, Kalyan vide Judgment and Order dated 11/1/2016.

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 condition imposed upon him and hence, he deserves extension of same relief during the pendency of the appeal. It is also submitted that the sentence imposed upon the applicant is a short term sentence. The learned Counsel, upon instructions, submits that the applicant does not have any criminal antecedents nor he has committed similar offence during the pendency of the trial.

4 Taking into consideration the fact that the sentence imposed upon the applicant is a short term sentence and the appeal may not reach the stage of final hearing in the near future, the applicant deserves to be enlarged on bail.

5 Hence, following order is passed :

ORDER

- (i) The Criminal 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, Kalyan within 3 weeks from today. Upon failure to furnish bail bonds within 3 weeks, the learned Sessions Judge, Kalyan shall issue non-bailable warrant calling upon the applicant to serve the rest of sentence.

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

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

6 The Criminal Application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)