

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 355 OF 2016

IN

CRIMINAL APPEAL No. 199 of 2016.

Rahul Ayodyaprasad GuptaApplicant.

Vs

The State of MaharashtraRespondent.

Mr Neville D Deboo i/by A.B. Bhoir for the Applicant.

Smt. R.V.Newton, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 29th June, 2016

P.C.

1) Heard the learned counsel for the applicant and the learned APP.

2) This is an application for suspension of substantive sentence and for releasing the applicant on bail pending the hearing and disposal of the appeal.

3) The applicant is the original accused no.2 in Sessions Case No. 872 of 2013. The applicant has been convicted for the offence punishable under Section 489 (C) of the IPC and sentenced to suffer rigorous imprisonment (RI) for three years and to pay fine of Rs.2,000/- in default of payment of fine to further undergo simple imprisonment for two months. The appeal preferred by the applicant is admitted on 21/3/2016.

4) After pronouncement of the impugned Judgment and Order dated 26/2/2016, the applicant has been released on bail by the learned Trial Court under section 389 (3) of the Code of

Criminal Procedure.

5) The maximum sentence imposed upon the applicant is of three years which is a short term sentence. Out of the substantive sentence of 3 years as per the submission of the learned counsel for the applicant, the applicant has already undergone eight months of imprisonment. That the applicant was on bail during the pendency of the trial and there is no report that the applicant has violated any of the conditions of the bail. There is no possibility of the appeal being heard in near future. In the circumstances, the applicant is entitled for bail.

6) Hence, the following order.

ORDER

a) The substantive sentence imposed upon the applicant is suspended during the pendency of the appeal;

b) The applicant be released on bail on his furnishing PR bond of Rs.25,000/- with one or two local sureties in the like amount;

c) The applicant shall attend the Trial Court once in three months on every first Monday of the said month between 11.a.m. to 1.00 p.m;

d) In case of any two consecutive defaults in attending the Trial Court by the applicant, the prosecution will be entitled for seeking cancellation of bail granted by this Court;

7) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)