

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 361 OF 2016
IN
CRIMINAL APPEAL NO. 203 OF 2016

Hanmant @ Babu Ganpat Salunkhe

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Rahul S. Kate for Applicant

Mrs. A. A. Mane APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : MARCH 15, 2016.

PC :

Heard. This is an application under section 389 of Code of Criminal Procedure, 1973. Applicant herein is convicted for offence punishable under section 326 of Indian Penal Code and is sentenced to imprisonment of 3 years and fine of Rs. 10,000/- in default to suffer further rigorous imprisonment for 3 months by Additional Sessions Judge, Satara in Sessions Case No. 20 of 2014 vide Judgment and Order dated 18/02/2016.

2) Learned counsel for the applicant submits that applicant was on bail during the pendency of trial and has not committed breach of any conditions imposed upon him and he is entitled to the extension of same relief during the

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pendency of appeal. It is further submitted that the 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) Taking into consideration the submissions advanced across the bar and the records, this Court is inclined to enlarge the applicant on bail.

ORDER

(i) Application is allowed.

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

(iii) Applicant shall furnish fresh P.R. bonds before the Sessions Court at Satara within 3 weeks from today. Upon failure to furnish fresh P.R. bonds within the stipulated time, Sessions Judge, Satara shall issue non-bailable warrant against applicant/accused calling upon him to serve the rest of the substantive sentence.

(iv) Applicant shall attend Court of Sessions, Satara, once in six months as directed by the Sessions Court, till the conclusion of appeal.

(v) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.

- (vi) Application stands disposed of.
- (vii) Parties to act on authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J.)