

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 387 OF 2016
IN
CRIMINAL APPEAL NO. 223 OF 2016

Samadhan Arjun Gaikwad. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Jayant J. Bardeskar, advocate for Applicant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : MARCH 21, 2016

P.C.:

1 Heard the learned Counsel for the appellant 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 convicted for the offence
punishable under Section 452 of Indian Penal Code and sentenced to

suffer R.I. for 2 years and to pay fine of Rs. 2,000/- I.d. to suffer R.I. for 3 years, he is also convicted for offence punishable under Section 326 of the Indian Penal Code and sentenced to suffer R.I. for 3 years and to pay fine of Rs. 3,000/- I.d. to suffer R.I. for 3 months, he is also convicted for the offence punishable under Section 324 of the Indian Penal Code and sentenced to suffer R.I. for one year and to pay fine of Rs. 2,000/- i.d. to suffer R.I. for one month in Sessions Case No. 442 of 2014 by Additional Sessions Judge, Pune vide Judgment and Order dated 4/3/2016.

3 The learned Counsel for the applicant submits that the applicant was on bail during 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.

4 The sentence imposed upon the applicant is a short term sentence. It is not likely that the appeal would be heard in the near future and hence, the applicant deserves to be enlarged on bail.

5 Hence following order is passed :

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 fresh bail bond within 3 weeks from today before Sessions Court, Pune. Upon failure to furnish fresh bail bond within 3 weeks from today, the learned Sessions Court, Pune shall issue non-bailable warrant against the applicant calling upon him to serve the rest of the substantive sentence.
- (iv) The applicant shall furnish his residential address, contact numbers like cell phone numbers, landline numbers etc. to the concerned Court.
- (v) The applicant shall report to the Court of Sessions Judge, Pune once in 6 months on the date specified by the concerned court. Upon

failure to attend on two consecutive dates by the applicant, the prosecution is at liberty to move for cancellation of bail.

6 The application is disposed of accordingly.

The Office to communicate this order to the concerned Court forthwith.

The parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)