

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.446 OF 2016
WITH
CRIMINAL APPLICATION NO.447 OF 2016
IN
CRIMINAL APPEAL NO.252 OF 2016**

Dharmesh @ Chakki Tirthraj Dubey ..Applicant

V/s.

The State of Maharashtra .. Respondent

Mr.Rajbali Dubey for the applicant.

Smt.P.P. Bhosale, APP for Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 08th JULY 2016

P.C.

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

2. The above applications are filed by the applicant for suspension of substantive sentence and for releasing him on bail respectively. The applicant is original accused no.1 in Sessions Case No.396 of 2014. The applicant has been convicted for the offences punishable under sections 399 and 402 of the Indian Penal Code and sentenced to suffer RI for five years and two years and to pay fine of Rs.1,000/- and Rs.500/- on each count respectively by the

Additional Sessions Judge, Greater Mumbai in Sessions Case No.396 of 2014 by its Judgment and Order dated 29-02-2016.

3. The learned counsel for the applicant submitted that the applicant was arrested on 21-08-2013 and was subsequently released on bail. He further submitted that during the pendency of the trial the applicant was on bail. That the applicant had surrendered his bail bond after the pronouncement of the impugned judgment and order on 29-02-2016.

4. The maximum sentence imposed upon the applicant is five years. This is a short term sentence. There is no possibility of the appeal being heard on merits in the near future. That the applicant was on bail during the trial and there is no report that the applicant violated any of the bail conditions.

5. In view of the above, I am inclined to release the applicant on bail.

6. Hence, the following order:

ORDER

- a) The applicant be released on bail on his furnishing a P.R. bond of Rs.20,000/- with one or more local sureties in the like amount;
- b) After his release from jail, during the pendency of the appeal the applicant shall attend

the Trial Court once in three months on every first Monday of the said month between 11:00 a.m. to 1:00 p.m.

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

7. The applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)