

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 488 OF 2016
IN
CRIMINAL APPEAL NO. 270 OF 2016

Shrihari Pandurang Tambe	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Kedar J. Patil, Advocate for the applicant.
Mr. S.S.Pednekar, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 7th April, 2016.

P.C.

This is an application under Section 389 of Cr.P.C. Seeking suspension of substantive sentence.

2. The applicant herein is accused No.1 in Sessions Case No.52 of 2014. By a judgment and order dated 18.2.2016, the learned Addl. Sessions Judge, Khed – Rajgurunagar has been pleased to convict the applicant for the offence punishable under Section 498A of IPC and sentenced to further R.I. for two years and fine of Rs.5,000/- in default R.I. for 3 months.

3. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial, although charge was framed under Section 302 of IPC. The learned counsel submits that there is evidence on record which would clearly show that the victim had not died a homicidal death, but had died a suicidal death and, therefore, the learned Sessions Judge has convicted the applicant for the offence punishable under Section 498A of IPC. 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. Hence, it is prayed that the applicant be enlarged on bail.

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 bonds.
- (iii) The applicant shall furnish fresh bail bonds within three weeks from today.
- (iv) Upon failure to furnish the fresh bail bonds within the stipulated period, the learned Addl. Sessions Judge, Khed Rajgurunagar

shall issue non-bailable warrant against the applicant calling upon him to serve rest of the sentence.

(v) The applicant shall report to the Court of Sessions, Khed – Rajgurunagar once in six months on the dates specified by that Court.

(vi) Upon failure to attend on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)