

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CR.APPLICATION No. 666 of 2016

IN

CR. APPEAL No. 382 of 2016

Sachin Balaso Kadam

..Applicant.

Vs

The State of Maharashtra

..Respondent.

Mr Prabhakar Jadhav i/by S.A. Rajeshirke for the Applicant.
Smt. Anamika Malhotra, APP. for the State.

CORAM : A.S.GADKARI, J.**DATE : 5th July, 2016**

P.C.

- 1) This is an application for suspension of substantive sentence and for releasing the applicant on bail and for.
- 2) The applicant has been convicted for the offence punishable under Section 306 read with section 107 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs.1000/-, in default of payment of fine to suffer further rigorous imprisonment for one month by the learned District Judge-1 and Additional Sessions Judge, Islampur, in Sessions Case No. 74 of 2013 by its Judgment and Order dated 16.4.2016.
- 3) The learned counsel for the applicant submitted that in view of the testimony of PW 3 it is clear that the deceased Kiran

Kadam was addicted to liquor and was not satisfied with his job. He further submitted that the present applicant being the paramour of the wife of the deceased has been falsely implicated in the present crime. He further submitted 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 order.

3) The applicant has been sentenced to suffer rigorous imprisonment for a period of five years. The sentence imposed upon the applicant is a short term sentence. 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 on merits in the near future. In the circumstances, I am inclined to suspend the substantive sentence and release the applicant on bail.

4) Hence, the following 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) After his release from Jail, 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;

(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;

5) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)