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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 351 OF 2016
IN
CRIMINAL REVISION APPLICATION No. 357 of 2016.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Sudeep Pasbola a/with Bhavesh Thakur i/by Rahul Arote for the applicant.

Smt. P.P. Shinde, APP for the State in ABA No. 66/2016.

CORAM : A.S.GADKARI, J.

DATE : 5th July, 2016

P.C.

- 1) This is an application for suspension of sentence and for releasing the applicant on bail.
- 2) The applicant is convicted for the offences punishable under Sections 279, 337, 338 and 427 of the Indian Penal Code and sentenced to suffer simple imprisonment for three months on first two and fourth count and six months on the third count and to pay a fine of Rs.2000/- on first two counts and Rs. 1000/- on the third count respectively by the learned Metropolitan Magistrate, Court, Vikhroli, Mumbai in C.C. No. 700/PS/2010 by its Judgment and Order dated 5.5.2015. The Trial Court has also directed that the substantive sentences to run concurrently.
- 3) The Criminal Appeal No. 475 of 2015 preferred by the applicant has been dismissed by the learned Additional Sessions Judge, Greater Mumbai by its Judgment and Order dated 17th June,

2016.

4) The learned counsel for the applicant submitted that the applicant was on bail during the trial. The maximum substantive sentence imposed upon the applicant is six months simple imprisonment which is a short term sentence. That there is no report that the applicant has violated any of the conditions of the bail during the trial.

5) In view of the above, I am inclined to suspend the substantive sentence and release the applicant on bail.

6) Hence, the following order :

(a) The substantive sentence imposed upon the applicant is suspended during the pendency of the revision application.

(b) The applicant be released on bail on his furnishing a PR bond of Rs.15,000/- 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 six 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;

7) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)