

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CR.APPLICATION No.363 of 2016

ALONG WITH

CR.APPLICATION No. 364 of 2016

IN

CR.REVISION APPLICATION No. 367 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. R.A. Shaikh for the Applicant.

Smt. G.P. Mulekar, APP. for the State.

CORAM : A.S.GADKARI, J.**DATE : 29th June, 2016**

P.C.

- 1) The aforesaid applications are for releasing the applicant on bail and for suspension of substantive sentence respectively.
- 2) The applicant has been convicted for the offence under Section 279 and 337 of the Indian Penal Code and sentenced to suffer simple imprisonment for three months on each count and to pay a fine of Rs.500/- on each count, in default of payment of fine to suffer further simple imprisonment for seven days on each count by the learned Metropolitan Magistrate, 46th Court, Mazgaon, Mumbai in C.C. No. 843/PS/2014 by its Judgment and order dated 2.10.2016. The Trial Court has also directed that the substantive sentence to run concurrently.
- 3) The Criminal Appeal No. 943 of 2015 preferred by the

applicant has been turned down by the learned Additional Sessions Judge, Greater Mumbai by its Judgment and Order dated 22nd June, 2016.

4) 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 in the near future. In the circumstances, I am inclined to suspend the substantive sentence and releasing the applicant on bail.

5) Hence, the following order :

(a) The substantive sentence imposed upon the applicant is suspended during the pendency of the revision application. The applicant be released on bail on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

(b) 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.

(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 bail granted by this Court;

6) The applications are allowed in the aforesaid terms.

7) All the concerned to act upon an authenticated copy of this order.

(A.S. GADKARI, J.)