

*Ladda*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 956 OF 2016
IN
CRIMINAL APPEAL No. 524 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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Mrs Uma Kshirsagar Wagle for the applicant.
Smt.P. P. Bhosale, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 9th August, 2016

P.C.

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for suspension of substantive sentence and for releasing the applicant on bail.
- 3) The applicant is convicted for the offence punishable under section 325 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for a term of three years and to pay fine of Rs.10,000/-, in default of payment of fine to undergo further rigorous imprisonment for six months by the learned Additional Sessions Judge, Pune in Sessions Case No.400 of 2009 by its

Judgment and Order dated 17/6/2016.

4) The learned counsel for the applicant 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. She further submitted that after the impugned Judgment and Order dated 17.6.2016 passed by the Trial Court, the applicant has been released on bail as contemplated under section 389 (3) of the Code of Criminal Procedure,1973.

5) The substantive sentence imposed upon the applicant is three years. This is a short-term sentence. The applicant was on bail during the pendency of the trial. There is no possibility of the appeal being heard in near future.

6) In view of the above, the substantive sentence imposed upon the applicant is hereby suspended during pendency of the appeal.

7) Hence, the following order.

ORDER

- a) 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;
- b) The applicant shall attend the Trial Court once in three months on every first Monday of the said month between 11.a.m. to 2.00 p.m. during pendency of the

appeal;

- c) Any two consecutive defaults in attending the Trial Court will entitle the prosecution seeking cancellation of bail granted to the applicants;

- 8) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)