

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1141 OF 2016

IN

CRIMINAL APPEAL NO.620 OF 2016

SWAPNIL @ BABU SHANKAR NIKAM)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.R.R.Paramane, Advocate for the Applicant.

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 27th SEPTEMBER 2016.

P.C. :

1 This application is filed for suspension of substantive sentence of imprisonment imposed upon applicant and for grant of bail. Heard both the sides. It is submitted on behalf of applicant that applicant pending trial was on bail and on his conviction, his sentence is suspended by the learned Sessions Judge till the period of appeal is over. It is, therefore, contended that applicant since is sentenced only for the period of 3 years, application be allowed.

2 Perused the impugned judgment where from it is revealed that applicant was tried as original accused no.1 and is convicted for the offence punishable under Section 307 of IPC and is sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.1,000/-, in default, to suffer rigorous imprisonment for 3 months.

3 The sentence imposed upon applicant as aforesaid came to be suspended by the learned Sessions Judge on the day of judgment itself i.e. on 6th August 2016 till the period of appeal is over. Appeal is found to be preferred on 17th September 2016. Admittedly, applicant, pending appeal, was on bail. It is no case of prosecution that while on bail, he has misused the liberty granted to him.

4 Having considering facts as aforesaid, substantive sentence imposed upon applicant is liable to be suspended, granting him bail, as per order below :

- i) Applicant shall be released on bail on his executing PR.Bond in the sum of Rs.20,000/- with one surety in like amount.
- ii) While on bail, applicant shall mark his presence with Ganeshpuri Police Station, District Thane, once

in six months, on the first day of such month,
pending appeal.

iii) Applicant shall provide proof of his residence to the
Investigating Officer and change in address in
future, if any, to the concerned police station.

iv) Application is allowed in above terms.

(P. N. DESHMUKH, J.)