

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.1275 OF 2016
IN
CRIMINAL APPEAL NO.683 OF 2016

Sushant Bhimrao Pawar ... **Applicant**

V/s.

The State of Maharashtra ... Respondent

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Ms.Beerta Bajwa i/b. Lalla & Lalla, Advocate for the Applicant.

Mrs.M.R.Tidke, APP for the Respondent/State.

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CORAM : P. N. DESHMUKH J.

DATED : 24th OCTOBER 2016.

P.C.

1 Issue notice to the respondent. The learned Additional
Public Prosecutor accepts notice on behalf of the respondent/State and
seeks time to obtain instructions.

2 Learned counsel for applicant submits that this application is for suspension of substantive sentence and for grant of bail and has contended that pending trial applicant was on bail and the maximum sentence imposed upon him is of two years for the offence punishable under Section 509 of the Indian Penal Code (For short, “the IPC”)and has thus contended that the sentence since is already suspended by the learned Sessions Court application be allowed.

3 Record reveals that applicant is convicted by the learned Sessions Judge for the offence punishable under Section 354-A(i)(v) of the IPC and is sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.5,000/-, in default to suffer simple imprisonment for one month. Applicant is convicted for the offence punishable under Section 509 of the IPC and is sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.5,000/-, in default to suffer simple imprisonment for one month.

4 Considering the fact that applicant is convicted for a period of two years, as aforesaid, that being short sentence, application is liable to be allowed as applicant even otherwise was on bail pending trial and sentence is already suspended by the learned Sessions court during the appeal period. Hence, following order :

- (i) Applicant shall be released on bail on his executing personal bond in the sum of Rs.15,000/- with one surety in like amount.
- (ii) While on bail applicant shall mark his presence with Dharavi Police station once in three months on first day of each such month, pending appeal.
- (iii) Applicant shall submit proof of his residence to Investigating Officer and update change in address, if any, in future to Dharavi Police Station.

(P. N. DESHMUKH J.)