

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.587 OF 2016

IN

REVISION APPLICATION NO.580 OF 2016

Jagdish Bheraji Lohar ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr. S.V.Marwadi i/by Omkar G. Nagwekar, Advocates for the Applicant.
Mr. A.R.Kapadnis, APP for the Respondent/State.

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CORAM : P N. DESHMUKH J.

DATED : 21st OCTOBER 2016.

P.C.

1 Heard learned counsel for both sides.

2 The learned APP has stated that as per police report received from PI Crime, Samta Nagar, Kandivali (East), there are no criminal antecedents of applicant. Learned counsel for applicant has submitted that maximum punishment imposed upon applicant is for a period of three years under Section 5 of the Immoral Traffic (Prevention) Act, 1956 and has thus, submitted that application be allowed as applicant was on bail pending trial.

3 Record reveals that applicant came to be convicted by the learned trial Court for the offences punishable under Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956. For the offences punishable under Sections 3 and 4 of the above act, he is convicted and

sentenced to suffer RI for one year on both the counts and is directed to pay fine of Rs.2,000/- and Rs.1,000/- respectively in default to suffer SI for one month. For the offences under Section 5 of the above Act, applicant is convicted for a period of three years and is directed to pay fine of Rs.2,000/- in default to suffer SI for one month. Learned counsel for applicant has tendered at bar two money receipts establishing payment of fine amount imposed as aforesaid. Considering that applicant was on bail pending trial and as it is not the case of prosecution that while on bail, he has misused the liberty granted to him and as per police report as there are no criminal antecedents, application is liable to be allowed as maximum punishment imposed on applicant is of three years can be termed as short sentence. Hence, following order is passed.

- (1) Applicant shall be released on bail on his executing PR Bond in the sum of Rs.15,000/- with one surety in the like amount.
- (2) While on bail, applicant shall mark his presence with Samta Nagar Police Station, Kandivali once in six months, on the first day of such month, pending revision.
- (3) Applicant shall produce proof of his residence to the Investigating Officer and update change in address, if any, in future, to the concerned police station.
- (4) Applicant shall not indulge in similar act. In the event, he is found to have involved in any such criminal case, prosecution shall move application for cancellation of bail.

4 Application stands disposed of as allowed.

(P. N. DESHMUKH J.)