

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL BAIL APPLICATION NO.598 OF 2016

WITH

CRIMINAL APPLICATION NO.599 OF 2016

IN

CRIMINAL REVISION APPLICATION NO.595 OF 2016

Mr. Santosh Balu Ahivale ... **Applicant**

V/s.

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

.....

Mr. Radheshyam Gaikwad, Advocate for the Applicant.

Ms.A.A.Takalkar, APP for the Respondent/State.

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CORAM : P. N. DESHMUKH J.

DATED : OCTOBER 26, 2016.

P.C.

1 Issue notice to respondent. Learned APP accepts notice on behalf of State.

2 Heard learned counsel for applicant and the learned APP. These applications are filed for suspension of sentence and for grant of bail. According to learned counsel for applicant, applicant was on bail pending trial and at the time of incident was working as driver in the BEST. It is, therefore, prayed that application be allowed pending revision.

3 Record reveals that applicant came to be convicted by the learned trial Court under Sections 279 and 337 of IPC and is sentenced to suffer SI for three months and to pay fine of Rs.1,000/- in default to

suffer SI for 10 days for the offence punishable under Section 279 of IPC and for the offence punishable under Section 337 of IPC, he is sentenced to suffer SI for three months and to pay fine of Rs.500/- in default to suffer SI for 5 days. Appeal preferred against the said judgment is dismissed by the learned Sessions Court.

4 Considering the fact that applicant was on bail pending trial and as it is no case of prosecution that while on bail, he has misused the liberty granted to him and also considering the fact that applicant is in service as driver in BEST, application is allowed as per order below:

- (1) Applicant shall be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- with one surety in the like amount.
- (2) Applicant shall be released on provisional cash bail of Rs.15,000/- and shall furnish surety within four weeks from the date of his release.
- (3) While on bail, applicant shall mark his presence with RCF police station, Chembur once in three months, on the first day of such month, pending Revision.
- (4) 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.

5 Applications stand disposed of as allowed.

(P. N. DESHMUKH J.)