

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

**CRIMINAL APPLICATION NO.614 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.610 OF 2016**

Pankajbhai Nireshchandra Dave ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**
.....

Mr.Sandeep Mishra with Mr.Prakash Mishra, Advocate for the Applicant.
Mr.S.V.Gavand, APP for the Respondent/State.
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CORAM : P. N. DESHMUKH J.

DATED : 27th OCTOBER 2016.

P.C.

1 Issue notice to respondent. Learned Additional Public Prosecutor accepts notice on behalf of respondent/State of Maharashtra.

2 Heard.

3 Learned counsel for applicants prays for grant of application contending that the applicant is conviction under section 324 of the Indian Penal Code (In short, "the IPC") and is sentenced to suffer rigorous imprisonment for three months and to pay fine of Rs.1,000/- in default to suffer simple imprisonment for 15 days. It is submitted that pending trial and appeal, applicant was on bail.

However, on dismissal of his appeal, non-bailable warrant is issued against him. It is, therefore, contended that application be allowed.

4 Considering the period of sentence imposed upon applicant, which is up to three months imprisonment, which can be termed to be short sentence and since applicant was admittedly on bail pending trial and it is no case that while on bail he misused the liberty granted earlier, application is liable to be allowed subject to payment of fine of Rs.1,000/- as per order below :

- 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) Applicant shall mark his presence with Kashimira Police Station, Thane once in three months on first day of such month pending revision.
- iii) Applicant shall submit proof of his address to the Kashimira Police Station and update the change in address , if any, in future.

5 Trial Court to accept amount of Rs.1,000/-.

(P. N. DESHMUKH J.)