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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.764 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.699 OF 2016**

Bharat Navinchandra Gala	...Applicant
Versus	
Municipal Corporation of Greater Mumbai and Anr.	...Respondents

Mr.S.V.Marwadi a/w Mr.Vinit Jain, Mr.V.S.Pandey i/b Mr.Paresh More, for the Applicant.

Ms.Surekha Sonawane a/w Mr.K.Y.Waghmare, for the Respondent No.1-MCGM.

Mr.P.H.Gaikwad-Patil, A.P.P for the Respondent No.2-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 21st DECEMBER, 2016

P.C. :

1. Heard learned Counsel for the parties.

2. The applicant has been convicted by the learned Metropolitan Magistrate, 39th Court, Vile Parle, Mumbai, vide Judgment and Order dated 28th July, 2015, for the offence punishable under Sections 354 r/w

475-A(1)(a) of the Mumbai Municipal Corporation Act and has been sentenced to suffer S.I. for 3 months and to pay fine of Rs.10,000/-, in default to suffer S.I for 15 days. In appeal, the Appellate Court vide Judgment and Order dated 19th December, 2016, was pleased to confirm the conviction and sentence awarded by the trial Court.

3. Learned Counsel for the applicant states that the applicant was on bail, pending trial and pending his appeal and that he has not abused or misused the liberty granted to him. He further submits that the applicant is presently lodged in custody.

4. Perused the papers. It is not in dispute that the applicant was on bail pending trial and pending his appeal and that he has not abused or misused the liberty granted to him. The Revision has been admitted by a separate order passed today and the same is not likely to come up for the hearing in the immediate near future.

5. Considering the aforesaid, the application is allowed. The applicant's sentence is suspended and he is enlarged on bail, pending the

hearing and final disposal of his Revision Application, on the following terms and conditions:-

ORDER

- (i) The applicant be released on cash bail in the sum of Rs.10,000/-, for a period of three weeks;
 - (ii) The Applicant shall thereafter furnish P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount, within a period of three weeks of his release on cash bail;
 - (iii) The Sessions Court to accept the provisional cash bail granted by this Court for a period of three weeks from today.
6. The Application is allowed in the aforesaid terms and is accordingly disposed of.
7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.