

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.1921 OF 2017
IN
CRIMINAL APPEAL NO. 146 OF 2017**

SATISH S/O KISAN TUSAMBAR

VERSUS

THE STATE OF MAHARASHTRA

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Mr.M.S.Karad, Advocate for Applicant.

Mr.S.N.Morampalle, A. P.P. for Resp. – State.

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CORAM : V.L.ACHLIYA, J.

DATE : 20th APRIL, 2017

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ORDER :-

. The applicant has filed this application seeking suspension of sentence and release on bail during pendency of appeal for the reasons set out in detail in the application.

2] In nut-shell, it is the contention of learned counsel for the applicant that the maximum sentence imposed is of one year. During trial, applicant was on bail. The trial Court has suspended the sentence to enable the applicant to file appeal. He submits that there

is good case to succeed in appeal. In case the sentence is not suspended, the very purpose of filing appeal will be frustrated.

3] Learned A.P.P. has opposed the application with contention that applicant is proved to have assaulted the public servant i.e. the police officer in police station. He submits that looking to the nature of offence and act committed by the accused, application may not be granted.

4] Having regard to the over all facts of the case, nature of offence proved against the applicant and sentence awarded, I am of the view that the applicant deserves to be enlarged on bail during pendency of appeal. The maximum sentence awarded is of one year. During pendency of appeal, applicant was on bail. Looking to the huge pendency of the appeals, it may not be possible to immediately take up the appeal for final hearing. I am therefore, inclined to allow the application. Hence, following order :

ORDER

- (1) Pending disposal of the appeal, the execution of substantive sentence stands suspended subject to deposit of fine amount by the applicant.
- (2) Pending disposal of the appeal, the applicant be

enlarged on bail on his furnishing bail in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with one surety in the like amount, on following conditions.

- (i) Pending disposal of the appeal, the applicant shall attend Police Station Peth, Tq. and Dist. Beed, on last day of each month in between 10:00 to 11:00 a.m.
 - (ii) The applicant shall not indulge into any offence of similar nature during the pendency of the Appeal.
 - (iii) The applicant shall furnish the names of his three close relatives with their addresses and phone numbers.
- (3) Bail be furnished in the trial Court within a period of three weeks from the date of this order, else the order passed stands vacated.
- (4) In the event of breach of any of the conditions as above the bail granted to the applicant will be liable to be cancelled.
- (5) The Officer In-charge of the Police Station Peth, Tq. and Dist. Beed is directed to submit the report of compliance of conditions of bail after every six months.

[V.L.ACHLIYA, J.]