

Anand

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

**CRIMINAL APPLICATION NO.235 OF 2017**

**IN**

**CRIMINAL APPEAL NO.126 OF 2017**

Kushaba Pandurang Dhamdhere .Applicant

Vs.

The State of Maharashtra & ors. .Respondents

Mr.S.V.Kotwal i/b. Mr.Shantanu R. Phanse,  
Advocate, for the Applicant  
Ms A.A.Takalkar, APP, for the Respondent No.1 –  
State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 20.02.2017**

**P.C.**

. Heard learned counsel for the Applicant  
and the learned APP for the Respondent No.1 –  
State.

2. The Applicant has been convicted and  
sentenced vide Judgment and Order dated  
21.01.2017 passed by the learned Additional  
Sessions Judge, Pune as under :-

For the offence punishable under Section 323 of the Indian Penal Code to suffer R.I. for one year; for the offence punishable under Section 324 of the Indian Penal Code to suffer R.I. for one year and for the offence punishable under Section 307 of the Indian Penal Code to suffer R.I. for three years and to pay fine of Rs.5,000/-, in default to suffer S.I. for three months.

3. Learned counsel for the Applicant states that the injuries caused to the injured were simple in nature. He submitted that the Applicant was on bail pending the trial and that after his conviction, his sentence has been suspended under Section 389 of the Code of Criminal Procedure. He further submitted that the Applicant has not misused and/or abused liberty granted to him whilst on bail.

4. Perused the papers.

5. By a separate order passed today, the aforesaid Appeal has been admitted. The Appeal is not likely to be heard in the immediate near future. The Appellant was on bail pending the trial and has not misused and/or abused the liberty granted to him. It also appears that the Applicant's sentence has been suspended by the trial Court under Section 389 of the Code of Criminal Procedure Code.

6. Accordingly, the Application is allowed. The Applicant's sentence is suspended and he is enlarged on bail on the following terms & conditions:

**O R D E R**

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change

of residence or mobile details, if any, from time to time to the trial Court, as well as the concerned police station;

(iii) The Applicant shall report to the concerned trial Court once in four months, on the 1<sup>st</sup> Monday, commencing March, 2017 pending the hearing and final disposal of the Appeal;

(iv) If the 1<sup>st</sup> Monday is a holiday, then the Applicant shall report on the next working day.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

Parties to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**