

Anand

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

BAIL APPLICATION NO.266 OF 2017

IN

CRIMINAL APPEAL NO.143 OF 2017

WITH

BAIL APPLICATION NO.267 OF 2017

IN

CRIMINAL APPEAL NO.143 OF 2017

Vijay alias Bapal Anant Gawankar .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr.Jagdish S. Singh, Advocate, for the Applicant
in both matters

Mr.A.R.Kapadnis, APP, for the Respondent No.1 –
State in both matters

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. By this Application, the Applicant
seeks his enlargement on bail pending the

hearing and final disposal of the Appeal.

3. The Applicant has been convicted vide Judgment and Order dated 17.01.2017 passed by the learned Sessions Judge, Ratnagiri, for the offence punishable under Section 326 of the Indian Penal Code and has been sentenced to suffer R.I. for three years and to pay fine of Rs.1,000/-, in default to suffer S.I. for two months.

4. Learned counsel for the Applicant states that the Applicant was on bail pending the trial and that his sentence has been suspended by the trial Court, after his conviction, under Section 389 of the Code of Criminal Procedure.

5. Perused the papers.

6. The conviction awarded to the Applicant is three years. 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 Applicant was on bail pending the trial. The Applicant has also averred in his Application that after his conviction, he has paid the fine amount and was released on furnishing surety of Rs.15,000/-.

7. Considering the short term sentence and the fact that the Appeal is not likely to be heard in the immediate near future, the Applicant's sentence is suspended pending the hearing and final disposal of the Appeal 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 to the concerned police station;

(iii) The Applicant shall report the concerned trial Court on the 1st Monday of every alternate month starting March, 2017, pending the hearing and final disposal of the Appeal;

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

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

9. In view of the order passed in **B.A.No.266 of 2017**, nothing survives for consideration in **B.A.No.267 of 2017** and the same stands disposed of accordingly.

Parties to act on the authenticated
copy of this order.

(REVATI MOHITE DERE, J.)