

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.379 OF 2017

IN

CRIMINAL APPEAL NO.214 OF 2017

Mahendra Manohar Shirsekar ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Pranav Badheka with Chitanya Pendse I/b. Prashant Pawar,
Advocate for the Applicant.

Ms.A.A.Takalkar, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 16th MARCH 2017.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of appeal filed by him. The applicant/accused was charge-sheeted for the offences punishable under Sections 498-A and 306 of the Indian Penal Code. Ultimately, by the impugned Judgment and Order dated 20/01/2017 he has been convicted for the offence punishable under Section 498-A of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years apart

from imposing of fine of Rs.10,000/- in default to undergo further rigorous imprisonment of 15 days. He has been acquitted of the offence punishable under Section 306 of the Indian Penal Code.

2 Heard both sides. It is argued on behalf of applicant that considering the short sentence imposed on the applicant/accused, which has already been suspended under Section 389(3) of the Code of Criminal Procedure by the learned trial Court, the applicant/accused is entitled for release on bail during pendency of appeal.

3 The learned Additional Public Prosecutor opposed this application by contending that there were several N.Cs. against applicant/accused and evidence of the prosecution shows that deceased was subjected to cruelty by the applicant/accused.

4 I have carefully considered the rival submissions and perused the impugned Judgment and Order. The applicant/accused was on bail during pendency of trial. Short sentence of three years has been imposed on him for the offence punishable under Section 498-A of the IPC. The appeal will take its own time for final hearing. The substantive sentence has already been suspended by the trial Court. In this view of the matter, the following order.

- (i) The substantive sentence imposed on the applicant is suspended and he is directed to be released on bail during pendency of the appeal on his executing personal bond in the sum of Rs.15,000/- and on furnishing surety in the like amount.

(A.M.BADAR J.)