

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.709 OF 2017

IN

CRIMINAL APPEAL NO.428 OF 2017

Balam Gulab Pathan)...Applicant/Appellant

V/s.

State Of Maharashtra)...Respondent

Mr. Tejas Hilage, Advocate for the Applicant/Appellant.

Mr. S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 4th May, 2017.

P.C. :

This is an application for suspension of sentence and releasing the applicant/accused on bail during the pendency of the appeal filed by him which has already been admitted for final hearing by this Court.

2 The applicant/accused was charge-sheeted for the offence punishable under Section 302 of the IPC and ultimately after trial he was found to have committed the offence punishable under Section 325 of the IPC. He is sentenced to suffer rigorous

imprisonment for three years apart from payment of fine and in default to undergo further rigorous imprisonment for six months.

3 Heard the learned advocate appearing for the applicant/accused. He argued that the applicant/accused was on bail throughout the trial and the substantive sentence of imprisonment imposed on him is suspended by the trial Court. The learned APP opposed the application by contending that the offence alleged is serious.

4 I have carefully considered the rival submissions and also perused the record made available including the impugned judgment and order.

5 It is seen that the applicant/accused was on bail during the pendency of the trial and short sentence of three years is imposed on him for the offence punishable under Section 325 of the IPC. The appeal filed by him will take its own time for disposal and, therefore, the order:

- (1) The substantive sentence of imprisonment imposed on the applicant-accused is suspended and he is directed to be released on bail on

executing PR bond in the sum of Rs.15,000/-
and on furnishing surety in the like amount.

(2) As a condition of this order, the applicant-accused should not contact prosecution witnesses in any manner and he should not extend threat, promise or inducement to them during the pendency of the appeal.

(3) The application stands disposed of.

(A. M. BADAR, J.)