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

***CRIMINAL APPLICATION NO.750 OF 2017
IN
CRIMINAL APPEAL NO.462 OF 2017***

Santosh Manohar Salve	...Applicant.
Versus	
The State of Maharashtra	...Respondent

Mr.A.H.Fatangare, for the Applicant.

Mr.Y.M.Nakhwa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 16th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his appeal.
3. The applicant, vide Judgment and Order dated 3rd May, 2017,

passed by learned Judge, City Civil & Sessions Court, Greater Mumbai, has been convicted and sentenced as under:-

- for the offence punishable under Section 304(II) of the Indian Penal Code, to suffer R.I for 3 years and to pay fine of Rs.20,000/- in default to suffer R.I. for 6 months.

4. Learned Counsel for the applicant states that the applicant was on bail, pending the trial and that he has not abused or misused the liberty granted to him. He submitted that after his conviction, as the applicant had not filed an application seeking suspension of his sentence, he was taken into custody and has been in custody since then. He submitted that the applicant has undergone almost 1/3rd of his sentence.

5. Learned APP does not dispute the aforesaid facts.

6. Perused the papers. The Appeal has been admitted by a separate order passed today and the same is not likely to come up for the hearing in the immediate near future. It is not in dispute that the applicant was on bail pending trial and that he has not abused or misused the liberty

granted to him. The applicant is presently lodged in custody. The applicant has already undergone almost 1/3rd of his sentence. The sentence awarded is a short term sentence.

7. Considering the aforesaid, the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.
8. The Application is allowed in the aforesaid terms and is accordingly disposed of.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)