

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.764 OF 2017
IN
CRIMINAL APPEAL NO.473 OF 2017

WITH
CRIMINAL APPLICATION NO.765 OF 2017
IN
CRIMINAL APPEAL NO.473 OF 2017

Naresh Omprakash Pardeshi .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.M.V.Khatavkar, Advocate, for the Applicant
Mr.S.R.Agarkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.06.2017

P.C.

. Heard learned counsel for the parties.

2. By these Applications, the Applicant seeks suspension of his sentence and enlargement on bail pending the hearing and final disposal of the aforesaid Appeal.

3. Learned counsel for the Applicant submits that the Applicant was on bail pending the trial and has not abused or misused the conditions of bail.

4. Learned APP does not dispute the same.

5. Perused the papers.

6. The Appeal has been admitted by this Court vide Order dated 26.05.2017.

7. The Applicant vide Judgment and Order dated 28.04.2017 passed by the learned Additional Sessions Judge, Greater Mumbai has been convicted and sentenced as under :-

- For the offence punishable under Sections 120B and 115 r/w.120B of the Indian Penal Code to suffer R.I. for a period of three years and to pay fine of Rs.5,000/-, in default to suffer S.I. for a period of six months;

- For the offence punishable under Section 25(1)(a) of the Arms Act to suffer R.I. for a period three years and to pay fine of Rs.2,000/-, in default to suffer S.I. for a period of three months;

- For the offence punishable under Section 25(1-B)(a) of the Arms Act to suffer R.I. for a period two years and to pay fine of Rs.1,000/-, in default to suffer S.I. for a period of fifteen days.

8. After the conviction and sentence was awarded, the Applicant's sentence was suspended for a period of four weeks to enable the Applicant to file an Appeal.

9. Considering the fact, that the sentence imposed is a short term sentence and the fact that the Appeal is not likely to be heard in the immediate near future and the fact that the Applicant was on bail pending the trial and has not abused or misused the conditions of bail, 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 & 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.

10. Accordingly, the Applications are disposed of on the aforesaid terms.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)