

nsc.

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

***CRIMINAL APPLICATION NO.779 OF 2017
(For Bail)
IN
CRIMINAL APPEAL NO.337 OF 2017***

Abhishek Kalyansinha Roy	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Rahul Kate, i/b Mr.R.D.Suryawanshi, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 14th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application the applicant seeks his enlargement on bail, pending the hearing and final disposal of the appeal.
3. The applicant alongwith other co-accused, vide Judgment and Order dated 1st April, 2017, passed by learned Additional Sessions Judge,

Kalyan, has been convicted and sentenced as under:-

- for the offence punishable under Section 328 r/w 34 of the Indian Penal Code to suffer R.I for 5 years and to pay fine of Rs.25,000/- in default to suffer S.I. for 1 month;
- for the offence punishable under Section 379 r/w 34 of the Indian Penal Code to suffer R.I for 2 years and to pay fine of Rs.5,000/- in default to suffer S.I. for 1 month;
- for the offence punishable under Section 406 r/w 34 of the Indian Penal Code to suffer R.I for 2 years and to pay fine of Rs.5,000/- in default to suffer S.I. for 1 month;
- for the offence punishable under Section 419 r/w 34 of the Indian Penal Code to suffer R.I for 2 years and to pay fine of Rs.5,000/- in default to suffer S.I. for 1 month;
- for the offence punishable under Section 120B r/w 34 of the Indian Penal Code to suffer R.I for 2 years and to pay fine of Rs.5,000/- in default to suffer S.I. for 1 month.

(All the sentences are directed to be run concurrently.)

4. Learned Counsel for the applicant states that although the

applicant had earlier preferred an application seeking his enlargement on bail, being Criminal Application No.562 of 2017 in the aforesaid appeal, the same was not pressed by him and the same is recorded in the order dated 4th May, 2017. He states that the applicant was on bail, pending trial and that he has not abused or misused the liberty granted to him. The said statement is not disputed by the learned A.P.P.

5. Perused the papers. The Appeal has been admitted by this Court (Coram : A.M.Badar,J.) vide order dated 13th April, 2017 and the same is not likely to come up for the hearing in the immediate near future. It is not in dispute that co-accused – Poonam Surendra Gupta has been enlarged on bail by this Court (Coram : A.M.Badar,J.) vide order dated 4th May, 2017. It is also not in dispute that the applicant was on bail pending trial and that he has not abused or misused the liberty granted to him.

6. 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.50,000/- with one or two local sureties in the like amount.

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

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)