

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

**CRIMINAL APPLICATION NO.304 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.331 OF 2017**

Dattatray Tukaram Jagdale	...Applicant
Versus	
The State of Maharashtra	...Respondent

.....

Mr. Amey Deshpande for the Applicant.
Mr. Prashant Jadhav, APP for the Respondent -State.

CORAM :SMT. ANUJA PRABHUDESSAI, J.

DATED: 11th AUGUST, 2017.

P.C.:-

This is an application for bail filed by the aforesaid Applicant, who has been convicted for offences punishable under Sections 279, 304 A and 337 of the IPC and Section 184 of the Motor Vehicle Act.

2. By the judgment and order dated 6th August, 2012 in S.T.C. No.2463 of 2011 the learned Judicial Magistrate, First Class, Solapur, has held the aforesaid Applicant guilty of the aforesaid offences and sentenced him to undergo maximum imprisonment for a period of one year in addition to payment of total fine of Rs.4,000/-. The appeal

being 75 of 2012 filed by the Applicant has been dismissed by judgment dated 2nd May, 2017. The Applicant has been taken into custody and he is in jail since 2nd May, 2017.

3. Mr. Tushar Khairnar, the learned counsel for the Applicant submits that the Applicant has already deposited the fine amount. It is also to be noted that the Applicant has been sentenced to undergo imprisonment for a maximum period of one year. The revision is of the year 2017. Considering the large pendency of the cases, the revision is not likely to come up for final hearing in the next couple of years. Hence, rejection of prayer to suspend the execution of substantive sentence will result the Applicant undergoing the imprisonment even before his revision is decided on merits. Considering the above facts and circumstances, the application is allowed on following terms:

ORDER

- (i) The Application is allowed;
- (ii) The execution of substantive sentence in S.T.C. No.2463 of 2011 is suspended till the disposal of the revision on merits;
- (iii) The Applicant is ordered to be released on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand

only) with one surety to the like amount to the satisfaction of the J.M.F.C., Solapur;

- (iv) The Applicant shall furnish his permanent as well as local address, if any, and shall intimate change of address, if any, to the Investigating Officer, as well as to the concerned Court.

(ANUJA PRABHUDESSAI, J.)