

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

CRIMINAL APPLICATION NO. 351 OF 2017
IN
REVISION APPLICATION NO. 373 OF 2017

Harishchandra Sakharam Kasare .. Applicant

v/s.

State of Maharashtra ..Respondent

Mr. Gaurav Parkar for the Applicant.

Mr. P.H.Gaikwad Patil APP for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 9th AUGUST, 2017.**

P.C.

1. By this application, the applicant herein, who was an accused in RCC/38/2002 has sought suspension of sentence and release on bail.
2. The applicant has been convicted for offence punishable under Section 409 of Indian Penal Code and sentenced to undergo simple imprisonment for a period of two years and fine of Rs.5000/- in default simple imprisonment for three months. The said judgment was challenged before the Appellate Court in Criminal Appeal No. 6 of 2007. The Appellate Court has maintained the conviction,

However, reduced the sentence from two years to one year vide order dated 21st June, 2016.

3. Mr. Parkar, the learned counsel for the applicant has submitted that the applicant is in custody from 21.6.2016. He has further submitted that the applicant has already deposited the fine amount before the trial Court. Considering the fact that the applicant has already undergone imprisonment for a period of one year, coupled with the fact that the appeal is of the year 2017 and is not likely to come up for final hearing in a couple of years due to pendency of old cases, the application is allowed in terms of prayer clause (a).

4. The execution of sentence is suspended till disposal of the appeal, on the applicant furnishing fresh bail bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount to the satisfaction of the Sessions Judge, Alibag.

5. Change of address, and the contact number, if any, shall be intimated to the Investigating Officer as well as in the fresh bail bonds.

(ANUJA PRABHUDESSAI, J.)