

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

CRIMINAL APPLICATION NO. 1071 OF 2017
IN
CRIMINAL APPEAL NO. 638 OF 2017

Bhimrao Raghunath Patil .. Applicant

v/s.

State of Maharashtra ..Respondent

Mr. Nitesh Mohite i/b. Jaydeep Mane for the Applicant.

Mr. Rajan Salvi, APP for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 14th AUGUST, 2017.**

P.C.

1. The applicant herein, who was an accused in Sessions Case No. 55 of 2013, having been convicted for offence punishable under Section 436 of Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of three years and fine of Rs.50,000/-, has filed this application seeking suspension of sentence, pending the appeal.

2. Heard the learned Counsel for the applicant and the learned

APP for the State.

3. Mr. Mohite, the learned counsel for the applicant has submitted that the applicant has already deposited the fine amount of Rs.50,000/- before the Sessions Court at Pandharpur. The endorsement at page 21 also fortifies the said statement.

4. The applicant is sentenced to undergo short term imprisonment of three years. The appeal is of the year 2017 and is not likely to come up for final hearing in a couple of years due to large pendency of old cases. Hence, rejection of the application will result in the applicant undergoing the sentence of imprisonment even before the appeal is heard on merits.

5. Considering the above facts, as well as the nature of the offence, the application is allowed. The execution of sentence is suspended till disposal of the appeal on merits, on the applicant furnishing fresh bail bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with one or two solvent sureties in the like amount

to the satisfaction of the Addl. Sessions Judge, Pandharpur.

6. The applicant shall intimate his local as well as permanent address/change of address, if any, and the contact number to the Investigating Officer as well as in the fresh bail bonds.

(ANUJA PRABHUDESSAI, J.)