

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

**CRIMINAL APPLICATION NO.427 OF 2017
IN
CRIMINAL REVISION APPLICATION (ST) NO.472 OF 2017**

Aaditya Mohan Hasbe

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Anand S. Patil for the Applicant.

Mr. Shahajirao Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 23rd AUGUST, 2017.

P.C.:-

By this application, the Applicant has sought suspension of execution of substantive sentence imposed vide judgment dated 5th January, 2013 passed by the Judicial Magistrate, First Class, Court No.6, Kolhapur in R.C.C. No.544 of 2009 and to release him on bail.

2 Heard the learned counsel for the Applicant and the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

By judgment dated 5th January, 2013 in R.C.C. No.544 of 2009 the Applicant has been convicted for offences punishable under Sections 454 and 511 of the Indian Penal Code. The Appeal filed by the Applicant being Criminal Appeal No.11 of 2013 has been dismissed. The records reveal that the Applicant is in custody since 31st July, 2017. The sentence of imprisonment is a short term imprisonment of six months. The Applicant has already undergone substantial part of the sentence. The present revision application 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 for bail and to suspend execution of substantive sentence will result in the Applicant undergoing the imprisonment even before his Appeal is decided on merits. Considering this fact as well as the nature of offence and the sentence imposed, in my considered view this is a fit case for releasing the Applicant on bail by suspending the execution of substantive sentence till final disposal of the Revision. Hence, following order is passed:-

ORDER

- (i) The application is allowed in terms of prayer clause (a);
- (ii) The execution of substantive sentence imposed on

the Applicant vide judgment and order dated 5th January, 2013 passed by the learned Judicial Magistrate, First Class, Court Room No.6, Kolhapur in R.C.C. No.544 of 2009 is suspended till final disposal of the Revision Application. The Applicant is released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety to the like amount to the satisfaction of the learned J.M.F.C., Court Room No.6, Kolhapur;

- (iii) The Applicant shall furnish his contact number and 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.)