

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

CRIMINAL APPLICATION NO. 1328 OF 2017
IN
CRIMINAL APPEAL NO. 703 OF 2017

Rajesh @ Anna @ Gochu Baban Kadam ..Applicant

v/s.

The State of Maharashtra ..Respondents

Ms. Pracheeta Rathod i/b. Anjali Patil for the Applicant.
Mr. H.J.Dedhia APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : NOVEMBER 21, 2017.**

P.C.

1. By this application, the applicant herein who was accused no.3 in Sessions Case No. 18 of 2015 has sought for release on bail, pending the final hearing of appeal.

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

3. The case of the prosecution in brief is that on 26.1.2015 at about 1.15 a.m. the applicant along with other co-accused entered the jewelery shop of PW1 Vinayak Jadhav and attempted to commit

theft by putting him in fear of death or hurt.

4. Pursuant to the complaint lodged by PW-Vinayak Jadhav, FIR was registered, and upon completion of investigation, chargesheet was filed. The case was committed to the Court of Sessions. After considering the evidence on record, the learned Sessions Judge held the applicant and others guilty of the offence under Section under Section 395 of Indian Penal Code and sentenced to undergo rigorous imprisonment for five years and to pay fine of Rs.2000/- each i.d. to undergo simple imprisonment for four months.

5. The learned Counsel for the applicant has submitted that the applicant has already paid the fine amount, he is in custody and that has undergone imprisonment of 2 years and 7 months.

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

7. Considering the above facts, in my considered view, this is a fit case for releasing the applicant on bail pending the disposal of appeal on merits. Hence, the order:

- (i) The application is allowed.
- (ii) The applicant be released on bail, on the applicant furnishing bail bond in the sum of Rs.35,000/- (Rupees Thirty-five Thousand Only) with one or two solvent sureties in the like amount to the satisfaction of the learned Addl. Sessions Judge, Khed.
- (iii) The applicant shall furnish his contact number and his local as well as permanent address, if any, to the Investigating Officer as well as in the fresh bail bonds.

. Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)