

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

**CRIMINAL APPLICATION NO.1333 OF 2017
IN
CRIMINAL APPEAL NO.792 OF 2017**

Mallinath Rajendra Unade ... **Applicant**
V/s.

The State of Maharashtra ... **Respondent**

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Mr.Sagar S. Tambe i/b. Mr.Ritesh Thobde, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 29th September 2017.

P.C. :

1 By this application, the applicant/accused is praying for suspension of sentence and releasing him on bail during pendency of the appeal filed by him. He has been convicted of the offence punishable under Section 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years apart from directing him to pay fine of Rs.5000/- and in default to further undergo simple imprisonment for three months by the learned trial Court.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that injuries suffered by the alleged

victim were simple in nature and substantive sentence of imprisonment imposed on the applicant/accused has already been suspended by the learned trial Court.

3 The learned Additional Public Prosecutor opposed the application and submitted that the crime is serious.

4 I have carefully considered the rival submissions. Short sentence is imposed on the applicant/accused which has already been suspended by the learned trial Court. His appeal is not likely to be heard in near future considering the pendency of appeals before this Court. Therefore, the Order :

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment imposed on the applicant is suspended and he is directed to be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- with one surety in like amount.
- (iii) As a condition of this Order, the applicant should not contact the victim of the crime in question and he should not commit similar offence in future.
- (iv) The application is disposed of accordingly.

(A.M.BADAR J.)