

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

CRIMINALAPPLICATION NO. 1372 OF 2017
IN
CRIMINAL APPEAL NO. 815 OF 2017

Shivlal @ Shivaji Sardar Kale ..Applicant

v/s.

State of Maharashtra ..Respondents

Mr. Priyal Sarda for the Appellant/ Applicant.
Mr. S.V.Gavand, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : OCTOBER 06, 2017.**

P.C.

1. The applicant herein who has been convicted by the learned Addl. Sessions Judge-5, Solapur in Sessions Case No.190 of 2010, has by this application sought suspension of execution of sentence and release on bail.
2. Heard Mr. Sarda, the learned Counsel for the applicant and Mr. Gavand, the learned APP for the State. Perused the records and considered the submissions advanced by the learned Counsels for the respective parties.
3. The applicant herein was charged for committing offences punishable under section 332, 353, 307 of Indian Penal Code and

other Sections under the Bombay Police Act. The case of the prosecution in brief is that on 18th February, 2016 the applicant-original accused no.1 along with other co-accused attempted to commit murder of API Shinde and others. Upon considering the evidence on record, the learned Sessions Judge, Solapur has held the applicant guilty of the said offences and has sentenced him to undergo maximum sentence of three years in respect of offence under Section 307 of IPC. The medical evidence reveals that the injuries sustained by the injured persons were simple in nature. Furthermore, the applicant has already undergone the imprisonment for more than one year and six months. Besides this, 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 the application will result in the applicant undergoing the sentence of imprisonment even before the appeal is heard on merits.

4. Considering the above facts, as well as the nature of the charge and the evidence thereof, in my considered view, this is a fit case to suspend the execution of sentence pending the disposal of appeal on merits and release the applicant on bail. Hence the order.

- i) The application is allowed.
- ii) The execution of sentence in Sessions Case No. 190 of 2016,

imposed vide judgment dated 22nd August, 2017 is suspended till the disposal of appeal on merits, on the applicant furnishing fresh bail bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned Addl. Sessions Judge-5, Solapur.

ii) The applicant shall furnish his local as well as permanent address, if any, and his contact number, if any, to the Investigating Officer , as well as in the fresh bail bonds.

(ANUJA PRABHUDESSAI, J.)