

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1283 OF 2016

IN

CRIMINAL APPEAL NO.542 OF 2016

JITENDRA DIGAMBAR SARVGAUD

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.A.P.Mundargi, Senior Counsel, i/b. Mr.Ritesh Thobde, Advocate
for the Applicant.

Ms.V.S.Mhaispurkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 18th JANUARY 2017.

P.C. :

1 This is an application by convicted accused no.15 for suspension of sentence and for releasing him on bail. The applicant / accused has been convicted of the offences punishable under Sections 143, 147, 148, 323 read with Section 149, 504 read with Section 149 and 506 read with Section 149 of the IPC.

He has been sentenced to suffer simple imprisonment for 2 years and to pay a fine of Rs.1,000/-, in default, to undergo further simple imprisonment for 3 years for the offence punishable under Section 148 of the IPC. This is the highest sentence imposed upon the applicant / accused and all other sentences are directed to run concurrently. Therefore, it is not necessary to mention the terms of other sentences imposed upon the applicant / accused.

2 The substantive sentence imposed upon the applicant / accused has already been suspended by the learned Additional Sessions Judge, Pandharpur. Considering the quantum of sentence imposed upon the applicant / accused as well as the fact that the appeal may not be heard in near future, so also the role attributed to the applicant / accused which is said to be proved in the trial, he deserves liberty during pendency of the appeal. Therefore the order:

- i) The application is allowed.
- ii) Substantive sentence of imprisonment imposed upon the applicant / accused is suspended and he is directed

to be released on bail on executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount.

- iii) While on bail, applicant / accused shall mark his presence to City Police Station, Pandharpur, once in three months on first day of each month, initially for nine months, and thereafter, once in six months, pending appeal.

(A. M. BADAR, J.)