

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1564 OF 2016

IN

CRIMINAL APPEAL NO.825 OF 2016

SUNIL GENU OVHAL

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ANR.

)...RESPONDENTS

Mr.Abhay Kumar Apte, Advocate for the Applicant.

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 10th JANUARY 2017.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant / accused on bail during pendency of the appeal.

2 Heard both sides and perused the impugned judgment and order of conviction and sentence imposed upon the applicant / accused by the learned Sessions Judge, Pune.

3 It is seen that the applicant / accused was acquitted of the offence punishable under Section 307 of the IPC and he is convicted of the offence punishable under Section 324 of the IPC. He is sentenced to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.5,000/-. The appeal filed by the applicant / accused is already admitted for final hearing. There is no possibility of hearing the said appeal in near future. The learned counsel for the applicant / accused submits that the applicant / accused is behind bar. Considering the short sentence imposed upon the applicant / accused as well as keeping in mind the nature of offence allegedly committed by him, he deserves liberty. 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, till disposal of the appeal.

(A. M. BADAR, J.)