

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1572 OF 2016
IN
CRIMINAL APPEAL NO.828 OF 2016**

Mr. Gajendra Rajaram Nimbalkar)...Applicant

V/s.
State OF Maharashtra)...Respondent

Mr. Vijay N. Shingnapurkar, Advocate for the Applicant.

Ms. A.A. Takalkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 11th JANUARY 2017.

P.C. :

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

2 Heard learned counsel appearing for the applicant-
accused. He submitted that sentence imposed upon the applicant-
accused is already suspended and he has already deposited fine
amount before the trial Court.

3 The learned APP opposed the application by
contending that offence is proved against the applicant-accused.

4 Perused the impugned judgment and order recording
conviction of the applicant-accused for the offence punishable
under Section 324 of the IPC. He is sentenced to suffer RI for two
years with direction to pay fine amount of Rs.5,000/- in default
to undergo further RI for three months. Applicant-accused is
further acquitted of the offence punishable under Sections 307,
326, 504 and 506 of IPC.

5 Sentence imposed upon the applicant-accused is short
sentence, which is already suspended by the learned trial Court. In
this view of the matter, applicant-accused deserves liberty. Hence,
the following order:

(1) Application is allowed.

(2) Substantive sentence of imprisonment
imposed upon the applicant-accused is
suspended and he is directed to be released on

bail on executing PR Bond in the sum of Rs.15,000/- and on furnishing surety in the like amount.

6 Application stands disposed of accordingly.

(A. M. BADAR, J.)