

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**NAGPUR BENCH, NAGPUR**

**CRIMINAL APPEAL NO.46 OF 2017**

**Shri Shailesh @ Guddu S/o Balvantrao Devgirikar**

**..VS..**

**State of Maharashtra, thr. P.S.O. Saoner, Saoner Police Station, District Nagpur**

.....  
Office Notes, Office Memoranda of Coram,  
appearances, Court orders or directions  
and Registrar's orders  
.....

Court's or Judge's Order

Shri A.A. Mardikar, counsel for the appellant.  
Shri Nihil Joshi, Addll.P.P. for the non-applicant.

**CORAM : P.N. DESHMUKH, J.**  
**DATED : FEBRUARY 15, 2017.**

Heard.

**ADMIT.**

Learned Additional Public Prosecutor  
waives notice.

The record and proceedings be called for.

**Criminal Application (APPA) No.103 of 2017**

Heard.

This application is filed for suspension of  
substantive sentence imposed upon applicant and for  
bail.

Learned counsel for the applicant has  
submitted that applicant was on bail pending Trial and  
has made payment of fine amount.

Record reveals that applicant is convicted

for the offence punishable under Section 323 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default, to suffer rigorous imprisonment for six months.

Considering that applicant was on bail pending Trial and as it is no case of the prosecution that while on bail applicant has misused liberty grant to him and since had made payment of fine amount, the application is liable to be allowed as applicant is found to have convicted for a short sentence. Hence, the following order :

The criminal application is allowed.

Applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

While on bail, applicant shall mark presence with Saoner Police Station, District Nagpur quarterly on the first day of each such month, pending appeal.

The application is disposed of accordingly.

**JUDGE**

!! BRW !!

**C E R T I F I C A T E**

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.  
(Personal Assistant)

Uploaded on :- 15/2/2017