

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.176 OF 2018

IN

CRIMINAL APPEAL NO.170 OF 2017

DILIP GORAKH MALI

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Gajanan Savagave, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 13th FEBRUARY 2018

P.C. :

1 This is an application by the applicant/accused for suspension of sentence and releasing him on bail during pendency of the appeal filed by him. The applicant/accused along with co-accused is convicted of the offence punishable under Section 395 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for 5 years apart from direction to pay fine of Rs.2,000/-.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that co-accused named Balu Mali, Rizwan Khan and Vijay Chavan are already released on bail. Except recovery of a knife, there is no evidence to incriminate the applicant/accused. The co-accused having more serious role has already been released on bail.

3 The learned APP submits that a knife came to be recovered from the applicant/accused apart from his identification by PW1 Sanjay and PW3 Shubham.

4 I have carefully considered the rival submissions and also perused the orders releasing the co-accused on bail. Short sentence of imprisonment is awarded to the applicant/accused and co-accused with similar role are already released on bail. Considering the pendency of appeals before this court, the appeal filed by the present applicant/accused, who has undergone at least 1 year of substantive sentence, may not be heard in near future. In this view of the matter, the following order :

ORDER

- i) The application is allowed.
- ii) Substantive sentence of imprisonment imposed on the applicant/accused is suspended and the applicant/accused is ordered to be released on bail on his executing PR.Bond in the sum of Rs.30,000/- with one local surety in the like amount to the satisfaction of the learned Additional Sessions Judge, Satara.
- iii) The applicant/accused shall furnish his contact number and his permanent as well as local address, if any, to the Investigating Officer as well as in the bail bond.
- iv) The application is disposed of.

(A. M. BADAR, J.)