

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 618 OF 2018

IN

CRIMINAL APPEAL NO.446 OF 2018

Tukaram L. Shivudkar vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's order
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Mr.J.J.Bardeskar for the Applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 23rd April, 2018

P.C.

1. This is an application for suspension of substantive sentence and releasing the applicant on bail in Sessions Case No.21/2014.

2. Heard Shri. Bardeskar, learned counsel for the applicant and the learned APP for the State.

3. The applicant is convicted under Section 324 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for 18-months and to pay a fine of Rs.5000/-, in default of payment of fine to further under go simple imprisonment for one month by the learned Additional Sessions Judge, Gadhinglaj in Sessions Case No.21/2014 by its Judgment

and Order dated 28.2.2018.

4. The learned counsel for the applicant submitted that the applicant has already deposited the fine amount in the registry of the Trial Court. He further submitted that the applicant has been released on bail under Section 389(3) of the Cr.P.C. by the Order of even date by the Trial Court.

5. As the maximum sentence imposed upon the applicant is 18-months of rigorous imprisonment and the possibility of appeal being heard on merits in near future is remote, I am inclined to suspend the substantive sentence and to release the applicant on bail.

Hence, the following order.

- a) During the pendency of the present appeal, the substantive sentence imposed upon the applicant is suspended.
- b) During the pendency of the appeal, the applicant be released on bail in Sessions Case No. 21 of 2014 on his furnishing PR bond of Rs.25,000/-with one or two solvent local sureties in the like amount.
- c) During the pendency of appeal, the applicant shall mark his presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00p.m. If the said first Mondya is Court holiday/public holiday the applicant shall mark his

presence on immediate next day.

- d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)