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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION No. 1950 OF 2018
IN
CRIMINAL APPEAL No. 1443 OF 2018

Rizawan Elias Hamdare	...Applicant
Vs.	
The State of Maharashtra	Respondent

Mr. Suraj Naik i/b. Mr. R.D. Suryawanshi for Applicant	
Mr. S.S. Pednekar- APP for the State	

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : DECEMBER 4, 2018

P.C.:

1. This is an application seeking suspension of substantive sentence imposed upon the Applicant by the Sessions Judge, Ratnagiri vide judgment and order dated 17th October, 2018 in Sessions Case No. 12 of 2016.
2. The Applicant was charged with an offence punishable under section 307 of the Indian Penal Code. However, he has been convicted for the offence punishable under section 325 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.3,000/-, in default, to suffer, S.I. for three months.
3. The learned counsel for the Applicant submits that the Applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. That after recording the conviction, the sentence has been suspended by the Sessions Court. It is a short terms sentence. Hence, the Applicant

deserves to be enlarged on bail. Hence, following order:

ORDER

- (i) The criminal application is allowed.
- (ii) The substantive sentence imposed upon the Applicant vide judgment and order dated 17th October, 2018 passed by the Learned Sessions Judge, Ratnagiri in Sessions Case No. 12 of 2016 is suspended. He be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and one or more solvent sureties in the like amount.
- (iii) The Applicant shall report to the Sessions Court at Ratnagiri once in six months.
- (iv) Upon failure to attend any two consecutive dates, the Sessions Judge shall send report to the High Court and the prosecution would be at liberty to file application for cancellation of bail.

Criminal application stands disposed of in the aforesaid terms.

[SMT.SADHANA S. JADHAV, J.]

V.A. Tikam