

Vidya Amin.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION No. 610 OF 2018
IN
CRIMINAL REVISION APPLICATION No. 638 OF 2018**

Gopal Nagnath Ghodkumbhe ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Manoj B. Bagal, Advocate for the applicant.
Mrs. Geeta P. Mulekar, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 4th December, 2018**

P.C. :

Upon mentioning, taken on production board.

2. This Application is moved for bail and suspension of sentence. By the judgment and order dated 31st July, 2017 passed by the learned Judicial Magistrate First Class, Solapur in Regular Criminal Case No. 544 of 2017, the applicant/accused is convicted for the offences punishable under section 379 r/w. Section 34 of Indian Penal Code and is sentenced to suffer R.I. for two years. The said judgment of learned Judicial Magistrate First Class, Solapur is confirmed by the judgment and order dated 13th November, 2018 passed by the learned Additional Sessions

Judge, Solapur in Criminal Appeal No. 63 of 2017.

3. The learned counsel for the applicant has submitted that the applicant/accused was on bail throughout the trial and also throughout the appeal period. He submitted that the applicant has good case on merits. He further submitted that the applicant undertakes to remain present whenever he is required during the hearing of this Criminal Revision Application. He prays that the applicant be released on bail and sentence be suspended.

4. Learned APP opposed this Application.

5. Considering the submissions made by the learned counsel for the applicant and the applicant was on bail through out the trial and during the period of Appeal, the Application is allowed on the following terms and conditions:

- (i) The sentence is hereby suspended till the hearing of this Revision Application;
- (ii) The applicant/accused shall be released on bail on the furnishing P.R. Bond in a sum of Rs.20,000/- with one or two sureties in the like amount;

- (iii) The applicant/accused shall not jump the bail;
- (iv) The applicant/accused shall make himself available at the time of hearing of Revision Application;
- (v) The applicant shall not leave the country without permission of this Court.

6. Criminal Application is disposed of on above terms.

7. List the Criminal Revision Application for admission on 29th January, 2019.

(MRIDULA BHATKAR, J.)