

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.125 OF 2018

IN

CRIMINAL APPEAL NO.67 OF 2018

KAMAL JUGRAJ JAIN

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Ganesh Bhujbal, Advocate for Applicant.

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

CORAM : A. M. BADAR, J.

DATE : 6th FEBRUARY 2018

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. The applicant/accused has been convicted of offences punishable under Sections 307, 332, 353 and 338 of the Indian Penal Code. He is sentenced to suffer rigorous imprisonment for 3 years for the offence punishable under Section 307 of the Indian Penal Code. Lesser sentence of imprisonment is

imposed for rest of the offences and all substantive sentences are directed to run concurrently.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that the applicant/accused was on bail during pendency of the trial and he has not misused his liberty. Substantive sentence of imprisonment imposed on him has already been suspended by the learned trial court.

3 The learned APP opposed the application.

4 Considering the fact that maximum sentence of imprisonment imposed on the applicant/accused is only for 3 years and as the same has already been suspended by the learned trial court as well as the fact that there is nothing on record to show that the applicant/accused has misused his liberty while on bail before the learned trial court, 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 directed to be released on bail on his executing P.R. Bond in the sum of Rs.15,000/-, and on furnishing surety in like amount.
- iii) The application is accordingly disposed of.

(A. M. BADAR, J.)