

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 396 OF 2018****IN****CRIMINAL APPEAL (ST) NO. 232 OF 2018**

Lakhan Nana Jadhav

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. G.M. Savagave for the Applicant.

Ms. R.M. Gadhvi, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 20th MARCH, 2018.****P.C.:-**

This is an Application for suspension of sentence and for releasing of the Applicant on bail.

2 The Applicant is the original Accused No.2. The Applicant is convicted under Section 395 of the Indian Penal Code and sentenced to suffer Rigorous Imprisonment for a period of five years and to pay a fine of Rs. 2,000/- (Rupees Two Thousand only), in default of payment of fine to further suffer Rigorous Imprisonment for a period of six months, by the Judgment and Order dated 2nd February 2017 passed by the learned Additional Sessions Judge, Satara in

Sessions Case No. 167 of 2014.

3 The learned counsel appearing for the Applicant submitted that the Applicant has already deposited the fine amount. He submitted that all the other accused persons have been released on bail during the pendency of their respective Appeals by this Court. He further submitted that the Applicant has already undergone actual imprisonment of about one year, one month and 20 days after conviction and one year before the conviction as under-trial prisoner, aggregating to total imprisonment of two years, one month and 20 days.

As the maximum sentence imposed upon the Applicant is five years and the possibility of the hearing of the Appeal on merits in near future is remote, I am inclined to release the Applicant on bail. Hence the following order-

- a) During the pendency of the Appeal, the substantive sentence imposed upon the Applicant is suspended and the Appellant is released on bail in Sessions Case No. 167 of 2014 on his furnishing PR bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two solvent local sureties in the like

amount.

- b) During the pendency of the Appeal, the Applicant shall attend and mark his presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00 p.m.. If the said first Monday is a Court holiday/Public holiday, the Applicant shall mark his presence on the immediate next day.

4 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)