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

**CRIMINAL APPLN. NO. 541 OF 2018
IN
CRIMINAL APPEAL NO. 385 OF 2018**

Sachin Bapurao Nikam

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Aniket Nikam for applicant.

Mr. V.V. Gangurde, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 2nd MAY 2018.

P.C.:

1] This is an application for suspension of sentence and for releasing the applicant on bail.

2] The applicant is the Original Accused No.2 in Sessions Case No. 49 of 2014.

The applicant has been convicted under Section 323 of the Indian Penal Code and is sentenced to suffer maximum rigorous imprisonment for one year and to pay a fine of Rs.500/-, in default of payment of fine to further undergo simple imprisonment for one month, by the learned District Judge-5 and Additional Sessions Judge, Nashik in Sessions Case No.49 of 2014 by its Judgment and Order dated 16th

February 2018.

3] 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 by the Trial Court under Section 389 (3) of the Cr.P.C. by an Order of even date.

4] As the applicant is sentenced to suffer maximum rigorous imprisonment for one year and the possibility of hearing of appeal on merits in the 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 hereby suspended.
- b) During the pendency of the Appeal, the Applicant is released on bail 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.
- c) 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.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)