

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 589 OF 2018****IN****CRIMINAL APPEAL (STAMP) NO. 387 OF 2018**

Pramod Suresh Kambale

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Rakesh Singh for the Applicant.

Mr. Rajan Salvi, APP for the Respondent.

CORAM : A. S. GADKARI, J.**DATE : 19th APRIL, 2018.****P.C.:-**

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

The Applicant is the original Accused No.2.

2 The Applicant is convicted for an offence punishable under Section 385 r/w Section 34 of the Indian Penal Code and under Section 37(1) r/w Section 135 of the Bombay Police Act and is sentenced to suffer rigorous imprisonment for two years and simple imprisonment for two months respectively and to pay total fine of Rs.6,000/- (Rupees Six Thousand only), in default to further undergo

simple imprisonment for one month and seven days respectively, by the learned Additional Sessions Judge, Kalyan, in Sessions Case No. 256 of 2012, by its Judgment and Order dated 22nd June, 2017.

3 The learned counsel for the Applicant submitted that, the Applicant has already deposited the fine amount in the Registry of the Trial Court.

4 As the maximum sentence imposed upon the Applicant is two years of rigorous imprisonment 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 suspended and the Applicant is released on bail in Sessions Case No. 256 of 2012, 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.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)