

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 629 OF 2018****IN****CRIMINAL APPEAL NO. 465 OF 2018****WITH****CRIMINAL APPLICATION NO. 628 OF 2018****IN****CRIMINAL APPEAL NO. 465 OF 2018**

Raju Bhalchandra Shirwadkar

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. N.V. Sawant, for the Applicant.

Mr. V.V. Gangurde, APP for the Respondent.

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

These are the Applications for suspension of sentence and for releasing the Applicant on bail, respectively.

2 The Applicant is convicted for an offence punishable under Section 135 of the Electricity Act and is sentenced to suffer rigorous imprisonment for two years and pay a fine of Rs.6,00,000/- (Rupees Six Lakhs only), in default to further undergo simple imprisonment for

six months. The Applicant is further convicted under Section 138 of the Electricity Act and is sentenced to suffer rigorous imprisonment for six months and pay a fine of Rs.10,000/- (Rupees Ten Thousand only), in default to further undergo simple imprisonment for one month, by the learned Additional Sessions Judge, Thane, in Special Case M.S.E.B. No. 1205 of 2006, by its Judgment and Order dated 23rd March, 2018. The Trial Court has also directed that the substantive sentences shall run concurrently.

3 The learned counsel for the Applicant submitted that, the Applicant has already deposited the fine amount of Rs.6,10,000/- (Rupees Six Lakhs Ten Thousand only) in the Registry of the Trial Court. He further submitted that, the Trial Court has released the Applicant on bail under Section 389 (3) of Cr. P. C. by an Order of even date.

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 Special Case M.S.E.B. No. 1205 of 2006, 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 Applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)