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

**CRIMINAL APPLN.NO. 682 OF 2018
IN
CRIMINAL APPEAL NO. 596 OF 2016**

Jaywant Sarjerao Salve

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Kedar Patil for applicant.

Mr. A.R. Kapadnis, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 2nd MAY 2018.

P.C.:

1] This is an application for suspension of sentence and releasing the applicant on bail on the ground that the applicant has already undergone more than 50% of the sentence as of today.

2] The applicant is convicted under Sections 120-B, 143, 144. 307 and 326 of the Indian Penal Code and Sections 5, 27 of the Arms Act and has been sentenced to suffer maximum imprisonment for seven years and to pay a total fine of Rs.7,000/- by the learned Additional Sessions Judge, Karad in Sessions Case No.93 of 2013 by its Judgment and Order dated 23.08.2016.

3] The record indicates that in the present crime, the applicant is arrested on 10.09.2013 and since then he is in jail. That as of today the applicant has undergone actual imprisonment for four years six months and four days. As the applicant is convicted for the offences punishable of the Indian Penal Code and has undergone more than 50% of the actual sentence, he is entitled to be released 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 be released on bail in Sessions Case No.93 of 2013 arising out of C.R. No.168 of 2004 registered with Karad Police Station, Satara 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

1.00 p.m. If the said Monday come on a holiday or non-Court working day, he shall attend the Court on the immediate next working day.

4] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)