

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 695 OF 2018****IN****CRIMINAL APPEAL NO. 498 OF 2018****WITH****CRIMINAL APPLICATION NO. 694 OF 2018****IN****CRIMINAL APPEAL NO. 498 OF 2018**

Mr. Bhanudas Bajirao Agunde

....Applicant.

Vs.

The State of Maharashtra & Anr.

....Respondents.

Mr. Jagdish Singh for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 24th 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 Sections 420, 465, 467, 468, 471, 255 and 260 r/w Section 120B of the Indian Penal Code and is sentenced to suffer maximum rigorous imprisonment for three years and to pay total fine of Rs.8,000/- (Rupees Eight Thousand only), in default to further undergo simple

imprisonment for three months, by the learned Addititonal Sessions Judge, Sessions Court, Greater Mumbai, in Sessions Case No. 875 of 2005, by its Judgment and Order dated 23rd March, 2018.

3 The learned counsel for the Applicant submitted that, the Applicant has already deposited the total fine amount of Rs.8,000/- (Rupees Eight 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 three years of rigorous imprisonment and the possibility of hearing of Appeal on merits in the near future is remote, I am inclined to suspend the sentence and 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. 875 of 2005, 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.)