

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.717 OF 2018

IN

CRIMINAL APPEAL NO.400 OF 2018

GANESH @ MANOHAR RAMBHAU PAWAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Prashant Patil, Advocate for the Applicant.

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

CORAM : A. M. BADAR, J.

DATE : 8th JUNE 2018

P.C. :

1 This is an application by Ganesh @ Manohar Rambhau Pawar convicted accused no.1 for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. The applicant/accused along with the co-accused is convicted of the offence punishable under Section 395 of the Indian Penal Code by the learned Additional Sessions

Judge, Pune, and he is sentenced to suffer rigorous imprisonment for 7 years apart from payment of fine of Rs.2,000/- and default sentence of simple imprisonment for 1 month.

2 Heard the learned Advocate appearing for the applicant/accused. He pointed out that vide order dated 17th April 2018 passed in Criminal Application No.225 of 2018, co-accused with similar role are already released on bail.

3 The learned APP opposed the application by contending that in addition to the role attributed to the co-accused, the subject matter of the crime in question i.e. Innova car came to be seized from the present applicant/accused.

4 I have carefully considered the rival submissions and also perused the material available on record. It is not in dispute that the present applicant/accused was on bail during pendency of the trial and there is nothing to suggest that he has misused his liberty while on bail.

5 According to the prosecution case, when First Informant Antony was taking the Innova Car towards Mumbai, present applicant/accused along with co-accused entered in the car, tied him and subsequently left him at Village Kolwan and fled with the car along with two cell phones and wallet of the First Informant.

6 The applicant/accused is not having any criminal antecedents and he was on bail during pendency of the trial. He has not misused his liberty. The co-accused are already released on bail. Considering the pendency of appeals before this court, the appeal filed by the present applicant/accused may not be heard in near future. Therefore, the order :

ORDER

i) The application is allowed.

ii) Substantive sentences of imprisonment imposed on the applicant/accused is suspended and the applicant/accused is

directed to be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-, and on furnishing surety in like amount.

iii) As a condition of this order, the applicant/accused should not repeat commission of similar offence in future.

iv) The application is disposed of.

(A. M. BADAR, J.)