

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

**CRIMINAL APPLICATION NO.279 OF 2018
(FOR BAIL)
IN
CRI. REVISION APPLICATION NO.301 OF 2018**

Sanjay Ramchandra Chavan .. Applicant

Vs.

State of Maharashtra .. Respondent

.....
Mr.Pratap P. Bhosale, Advocate for the Applicant.
Ms.P.N. Dabholkar, APP for the Respondent – State.
.....

CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 13, 2018.

P.C. :

This is an application for suspension of sentence and grant of bail, pending the Revision Application preferred by the applicant. The trial Court has convicted the applicant for an offence punishable under Section 304A of Indian Penal Code (IPC) and was sentenced to suffer R/I. for three months and to pay a fine of Rs.2,000/-. He is also convicted for the offence punishable under Sections 279 and 338 of IPC and was sentenced to suffer imprisonment for three months on each count. The sentences were directed to run concurrently.

2 The applicant was on bail during the trial and also during the pendency of Appeal. Learned counsel for the applicant submitted that the driver of the Scorpio vehicle, as well as passenger from the Scorpio vehicle had not identified the applicant. It is also submitted that one of the witness also deposed that the speed of the vehicle driven by applicant was 60 kph. Learned APP submitted that the applicant has committed a serious offence. The trial Court has imposed a lesser sentence. There is sufficient evidence to convict the applicant. No case is made out to entertain this application and grant of bail. There is nothing on record to indicate that State has filed any proceedings for enhancement of sentence. Trial Court had convicted the applicant by judgment and order dated 12th July, 2013. The trial Court's order has been confirmed by the Appellate Court on 31st May, 2018. It is submitted by learned counsel for the applicant that after dismissal of Appeal, the applicant has been taken into custody and since then he is in custody on 31st May, 2018. Considering the above circumstances, suspension of sentence and grant of bail is made out.

3 Hence, I pass the following order:

:: ORDER ::

- (i) Pending the hearing and final disposal of the Revision Application, the sentence of imprisonment imposed by the learned Judicial Magistrate First Class, Pen, vide judgment and order dated 12th July, 2013, passed in Summary Case No.526 of 2011, which was confirmed by the Appellate Court vide judgment and order dated 31st May, 2018, delivered in Criminal Appeal No.133 of 2013, is suspended and the applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (ii) Criminal Application stands disposed of.

(PRAKASH D. NAIK, J.)