

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO. 861 OF 2018**  
**IN**  
**CRIMINAL APPEAL NO. 700 OF 2018**

Mr. Rajaram Namdeo Ranade.

..Applicant.

V/s.

State of Maharashtra.

..Respondent.

Mr. Nooraj Yadav I/b. Mr. Satyanarayanan, advocate for applicant.

Mr. S.H. Yadav, APP for State.

Mr. Ramesh S. Patil, Havildar, Peth Police Station, Nasik(Gramin).

**CORAM : SMT. SADHANA S. JADHAV,J.**

**DATE : DECEMBER 13, 2018.**

**P. C. :**

1            Heard the learned Counsel for the applicant and the learned APP for State.

2            This is an application under section 389 of the Code of Criminal Procedure, 1908. The applicant herein is convicted by the Sessions Judge, Nashik for the offence punishable under section 326 of the Indian Penal Code and sentenced to suffer R.I. for One year and to pay fine of Rs. 1000/- I.d. to suffer R.I. for six months in Sessions Case No. 60 of 2017 vide Judgment and Order dated 9/5/2018.

3            The learned Counsel for the applicant submits that the

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applicant was on bail during the pendency of the trial and has not committed breach of any condition imposed upon him. Similarly, the sentence imposed upon the applicant is a short term sentence and that he would be entitled to the extension of the same relief during the pendency of the appeal.

4 In view of the Judgment of the Hon'ble Apex Court in the case, Kiran Kumar v/s. State of M.P. 2001 AIR SCW 5130, the applicant deserves to be enlarged on bail. It is made clear that suspension of sentence shall not be construed as suspension of conviction.

5 Hence following order is passed :

**ORDER**

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicant vide Judgment and Order dated 9/5/2018 passed by the Sessions Judge, Nashik in Sessions Case No. 60 of 2017 is hereby suspended and the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/- and one or more solvent sureties in the like amount.

(iii) The applicant shall report to the Court of Sessions Judge, Nashik once in 6 months on the date specified by the concerned Sessions

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Court, Nashik. Upon failure to attend on two consecutive dates, the Sessions Court, Nashik shall report the same to the High Court and the prosecution would be at liberty to file an application for cancellation of the bail.

6           The application is disposed of accordingly.

**[SMT. SADHANA S. JADHAV, J.]**