

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 427 OF 2018

IN

CRIMINAL REVISION APPLICATION NO. 435 OF 2018

Shivaji Baban Devkar

....Applicant

Vs.

The State of Maharashtra

....Respondent.

Mr. Omkar Nagvekar for the Applicant.

Ms. J.S. Lohokare APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 20th AUGUST, 2018.

P.C.:-

This is an Application for suspension of sentence and releasing the Applicant on bail.

2 The Applicant is convicted under Section 325 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for 3 months and to pay a fine of Rs.5,000/- in default of payment of fine, to further undergo rigorous imprisonment for 15 days, by the learned Judicial Magistrate, First Class, Vasai in R.C.C. No.628 of 2009 by its Judgment and Order dated 5th March, 2014.

The Criminal Appeal bearing No. 5 of 2014 preferred by the Applicant has been turned down by the learned Extra Additional Sessions Judge, Vasai by its Judgment and Order dated 6th August,

2018.

3 The learned counsel for the Applicant submitted that the Applicant has already deposited the fine amount of Rs.5,000/- in the Registry of the Trial Court. As the maximum sentence imposed upon the Applicant is three months of rigorous imprisonment, I am inclined to suspend the sentence and release the Applicant on bail.

Hence the following order.

- a) The Applicant be released on bail in RCC No. 628 of 2009 on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- b) The Applicant shall submit the documents of his current residential address and in case of change in future, the said documents of his residential address with the Nalasopara Police Station.
- c) Application is allowed in the aforesaid terms.

All the concerned to act on the basis of an authenticated copy of this order.

(A.S. GADKARI, J.)

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Mashalkar Digitally signed
 by S S Mashalkar
 Date: 2018.08.23
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