

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 428 OF 2018  
WITH  
CRIMINAL APPLICATION NO. 429 OF 2018  
IN  
CRIMINAL REVISION APPLICATION NO. 436 OF 2018

Sanjay Ramdas Mahale

... Applicant.

V/s.

The State of Maharashtra and anr.

... Respondents

Mr. Sagar Bhandare i/by Adv. Yogini Ugale for the Applicant.  
Mr. Amit Palkar, APP for the Respondent/State.

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**CORAM : A.S.GADKARI, J.**  
**DATE : 27<sup>th</sup> September, 2018**

P.C.:

1. These are applications for suspension of sentence and releasing the applicant on bail respectively.
2. The applicant has been convicted under Section 630 of the Companies Act and sentenced to pay a fine of Rs.700/- in default to suffer simple imprisonment for seven days by the Additional Chief

Metropolitan Magistrate, 31st Court, Vikhroli, Mumbai in C.C.No.244/SS/2009 by its Judgment and Order dated 1.8.2016. By the said Judgment and Order the applicant has also been directed to hand over vacant possession of the suit property to the complainant i.e. respondent No.2 herein within a period of one month from 1.8.2016 and in default to further suffer simple imprisonment for one month. The Criminal Appeal No.698 of 2016 preferred by the applicant has been dismissed by the learned Additional Sessions Judge, City Civil Court, Greater Bombay by its Judgment and Order dated 21.5.2018.

3. The learned counsel for Applicant on instructions submitted that, in pursuance of the warrant of conviction, the applicant has been taken into custody by the police yesterday i.e. on 26.9.2018. He further on instructions submitted that, the applicant will hand over the vacant and peaceful possession of the suit property to the Respondent No.2 within a period of two weeks from today. The said statement is accepted.

4. As the maximum sentence imposed upon the applicant is of fine along with the said direction of vacating the suit premises, I am inclined to suspend the substantive sentence and release the applicant on bail.

Hence, the following order.

- a) During the pendency of the revision application, the substantive sentence imposed upon the applicant is suspended and the applicant be released on bail on his furnishing P.R. Bond of Rs.15,000/-with one or two local sureties in the like amount.
- b) The applicant is permitted to furnish cash bail of Rs.15,000/- for a period of six weeks from today and during the said period he will comply with all the formalities of furnishing sureties.
- c) It is made clear that, if the applicant fails to hand over the possession of the suit property mentioned in the impugned Order to the Respondent No.2 within a period of two weeks from today, the suspension of sentence and the bail granted to the applicant shall stand cancelled without further reference to this Court.
- d) Applications are allowed in the aforesaid terms.
- e) All the concerned to act on a copy of this Order duly authenticated by the registry of this Court.

(A.S.GADKARI, J.)