

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

**CRIMINAL APPLICATION NO.497 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.528 OF 2018
WITH
CRIMINAL REVISION APPLICATION NO.528 OF 2018**

Rajeev Khandelwal

... Applicant

Vs.

The State of Maharashtra & anr.

... Respondents

Mr.V.P. Sawant with Mr.Veerdhaval Kakade and Prabhakar Jadhav
for the Applicant

Ms.Rutuja Ambekar, APP, for the Respondent – State

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: OCTOBER 10, 2018**

P.C.:

1. Heard.
2. Criminal Revision is admitted.

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3. This application is moved for bail and for suspension of the substantive sentence whereby the applicant/accused was convicted vide the impugned order dated 12.4.2017 passed by the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai in C.C. No.5953/SS/2015 for a period of 1 year with an order of

compensation. The applicant/accused had filed the Criminal Appeal No.341 of 2017 against the said order. However, the said appeal was dismissed by judgment and order dated 13.8.2018 passed by the learned Additional Sessions Judge, City Civil and Sessions Court, Greater Mumbai. Pursuant to that order, the trial Court has issued a warrant of conviction.

4. Yesterday, the learned Senior Counsel appearing for the applicant/accused had made a statement that the applicant/accused was not yet arrested till yesterday and it was submitted that the applicant/accused would remain present before the trial Court.

5. Now I am informed by the learned Counsel for the applicant/accused that today, the applicant/accused Rajeev Khandelwal appeared before the trial Court and has surrendered himself.

6. The learned Counsel produces the order of the Metropolitan Magistrate dated 10.10.2018 i.e., today, wherein it is mentioned that the applicant/accused has surrendered before the Court and he is taken in custody. The learned Counsel further submits that in

view of this, the applicant/accused be released on bail. He submits that the applicant has a good case on merits.

7. The learned Prosecutor submits to the orders of the Court.

8. In view of the submissions of the learned Counsel and as the applicant/accused has surrendered before the trial Court and considering the nature of the offence and period of sentence, the application for bail is allowed on the following terms:

- i) The impugned judgment and sentence dated 12.4.2017 passed by the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai in C.C. No.5953/SS/2015, is suspended pending the hearing of the appeal;
- ii) The applicant/accused is released on bail upon furnishing cash bail bond in the sum of Rs.10,000/-;
- iii) The applicant/accused shall not jump the bail.
- iv) The applicant/accused shall remain available at the time of hearing of the Revision.

9. The Criminal Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)