

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.1553 OF 2017
IN
CRIMINAL APPEAL NO.1078 OF 2017**

Puran Laxman Arekar	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

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Ms.Yogita Deshmukh Chitnis, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 16th FEBRUARY 2018.

P.C. :

1 This is an application by applicant/accused No.5 for
suspension of sentence and releasing him on bail during pendency
of the appeal filed by him.

2 The applicant/accused along with co-accused is convicted of offences punishable under Sections 395, 452, 342, 506, 120B of the Indian Penal Code as well as under Section 27(1) of the Arms Act by Judgment and Order passed in Sessions Case No.87 of 2013. The learned trial Court had directed that the substantive sentence shall run currently. Hence, it is not necessary

to mention different sentences imposed on the applicant on different counts. Suffice to state that highest sentence of imprisonment imposed on the applicant/accused is of five years for the offence punishable under Section 395 read with Section 120B of the Indian Penal Code.

3 Heard the learned Advocate appearing for the applicant/accused. She argued that instead of going into merits of the case as the applicant was arrested on 02/09/2013 and as he has undergone jail sentence of four years and five months as of date, he is entitled to bail.

4 The learned Additional Public Prosecutor is not disputing this fact, but contended that considering the nature of offence and the manner in which it was committed, the applicant is not entitled to bail.

5 I have carefully considered the rival submissions and also perused the impugned Judgment and Order of conviction as well as copies of depositions of prosecution witnesses.

6 Undisputedly, short sentence of imprisonment of five years is imposed on the applicant and he has already undergone four years and five months of jail sentence. The appeal filed by him in no probability will be heard within the remaining period of five months considering the pendency of appeals before this Court.

7 In this view of the matter, the following Order :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment imposed on the applicant is suspended and he is directed to be released on bail on his executing PR. Bond in the sum of Rs.15,000/- and on furnishing surety in the like amount.
- (iii) As a condition of this Order, the applicant should not repeat commission of similar offence in future and breach of this condition shall entail the prosecution to file application for cancellation of his bail.
- (iv) The application is accordingly disposed of.

(A.M.BADAR J.)