

Anand

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

CRIMINAL APPLICATION NO. 452 OF 2018

IN

CRIMINAL APPEAL NO. 52 OF 2018

Ramesh Revansiddha Madyalkar

.Applicant

Vs.

The State of Maharashtra & anr.

.Respondents

Mr. S. P. Rajepandhare, Advocate, for the Applicant

Mr. S. V. Gavand, APP, for the Respondent No. 1 – State

Mr. S. S. Shah, Advocate, for the Respondent No. 2 / Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 22.04.2019

P.C.

. Heard learned counsel for the parties.

2. Learned counsel for the Applicant states that he has not carried out the amendment as directed by this Court vide order dated 11.01.2019. Accordingly, time to carry out amendment is extended. Amendment to be carried out forthwith. The Complainant be added as party Respondent No. 2.

3. By this Application, the Applicant seeks suspension of his sentence and enlargement on bail pending the hearing and final disposal of his Appeal.

4. Perused the papers. The Applicant has been convicted for the offence punishable under Section 307 of the Indian Penal Code and is sentenced to suffer R. I. for five years and to pay fine of Rs. 5,000/-, in default to undergo further R. I. For six months. The Applicant has also been convicted for the offence punishable under Section 324 of the Indian Penal Code and is sentenced to suffer R. I. for one year and to pay fine of Rs. 1,000/-, in default to further undergo S. I. for three months. The Applicant has also been convicted for the offence punishable under Section 135 of the Bombay Police Act and is sentenced to suffer R. I. for four months and to pay fine of Rs. 1,00/-, in default to further undergo R. I. for one month. All the sentences are directed to run concurrently. It is not in dispute that the Applicant was on bail pending the trial and that he has not abused or misused the liberty granted to him, whilst on bail. The Applicant is in custody

since the date of his conviction i. e. from 20.11.2017 till date. The maximum sentence imposed is five years, whereas the Applicant is in custody for almost one and half years. The Applicant's Appeal has been admitted by this Court on 31.01.2018. The sentence imposed is a short term sentence and the Appeal is not likely to be heard in the immediate near future.

5. Considering the aforesaid, the Application is allowed. The Applicant's sentence is suspended and he is enlarged on bail on the following terms & conditions :-

O R D E R

(i) The Applicant be enlarged on bail on his furnishing P. R. Bond in the sum of **Rs. 20,000/-** with one or more local sureties in the like amount;

(ii) The Applicant shall report to the Learned Sessions Judge, Solapur **once in three months** on the date assigned by the Learned Sessions Judge. Upon failure to attend any two consecutive dates, the Learned Sessions Judge, Solapur shall make report to the High Court and the prosecution would be at liberty to file an Application seeking cancellation of bail;

(iii) The Applicant shall not contact his wife - the Complainant or the prosecution witnesses or any person concerned with the case during the pendency of this Appeal;

(iv) The Applicant shall also not visit the work place of the Complainant;

(v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

6. The Application is, accordingly, disposed of.

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

(REVATI MOHITE DERE, J.)