

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

**CRIMINAL APPLICATION NO. 589 OF 2019
IN
CRIMINAL APPEAL NO. 577 OF 2019**

Santosh Yashwant Mayekar	... Applicant/Appellant
V/s	
The State of Maharashtra	... Respondent

Mohan Devkule i/b. Rakesh Bhatkar for the Applicant/Appellant.
A. S. Patil, APP for the Respondent.

**CORAM : DAMA SESHADRI NAIDU, J.
DATED : 31th July, 2019**

P.C.:

The applicant has been charged with the offences punishable under sections 307, 504 and 506 of the Indian Penal Code. Through its judgment dated 07th March, 2019, the Additional Session Judge, Ratnagiri, in Session Case No. 13 of 2018, convicted the accused and sentenced him to 3 years' rigorous imprisonment. After filing the statutory appeal, the appellant has also filed this criminal application under section 389 of Criminal Procedure Code for the suspension of sentence and his enlargement on bail.

2. Heard the learned Counsel for the applicant and the learned Additional Public Prosecutor, besides perusing the record.

3. As seen from the record, it is an intra-family dispute. The applicant has been accused of assaulting his mother and brother. Of the three years sentence imposed, he has already completed 1 year and 4 months. During the trial too, he was in judicial custody.

4. As the sentence is short and the Court is unlikely to take up the appeal immediately, it is a fit case for the suspension of the sentence. I accordingly suspend the sentence and enlarge the applicant on bail subject to the following conditions:

ORDER

- (i) The application is allowed.
- (ii) Substantive sentence imposed on the applicant is suspended, and he is directed to be released on bail on his executing P.R. Bond for Rs.20,000/- and on his furnishing two sureties for the like sum.
- (iii) The applicant should not contact the first informant or victim, or any witness in any manner, pending this appeal.
- (iv) The applicant's failure to abide by these conditions will entail the prosecution to apply for cancellation of bail now granted to the applicant.

(DAMA SESHADRI NAIDU, J.)