

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

**CRIMINAL APPEAL NO.696 OF 2019
ALONGWITH
CRIMINAL APPLICATION NO.745 OF 2019**

Amit Sidharam Somshetti Appellant/Applicant

Vs.

The State of Maharashtra Respondent

Mr. Sagar Tambe i/by Mr. Ritesh Thobade for the appellant/applicant.

Mr. S.R. Agarkar, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 2nd May 2019

P.C.:

1. Heard the respective counsel.
2. Appeal admit.
3. The above application is filed under Section 389 Code of Criminal Procedure seeking suspension of substantive sentence imposed upon the appellant/applicant. The applicant herein is convicted by the Additional Sessions Judge, Solapur vide judgment and order dated 24th April 2019 in Sessions Case No.84 of 2018. For the offence punishable under Section 304 of Indian Penal Code, he is sentenced to

suffer rigorous imprisonment for five years and fine of Rs.5,000/-, in default to suffer, simple imprisonment for three months and under Sections 279, 337 and 338 of Indian Penal Code, he is sentenced to suffer simple imprisonment for six months each.

4. Learned counsel for the applicant submits that it was a sheer accident and not an intentional act on the part of the applicant. The sentence imposed upon the applicant is a short term sentence. The offences for which he is convicted are bailable. Hence, the applicant deserves the extension of same relief during the pendency of the appeal. Hence, the following order.

ORDER

- i) The application is allowed.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 24th April 2019 is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- iv) The applicant shall mark his presence before the Additional Sessions Judge, Solapur once in six months on the date assigned by the Sessions Judge.

v) Upon failure to attend any two consecutive dates, the Sessions Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

Parties to act on authenticated copy of this order.

(Smt. Sadhana S. Jadhav, J)