

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

**CRIMINAL APPLICATION NO. 310 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 291 OF 2019**

Kalapundi Rajan Prabhu	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr. Ritesh Thobade, for the Applicants.
Mr. R. M. Pethe, APP, for the Respondent-State.

**CORAM : A. S. GADKARI, J.
DATE : 19th JUNE, 2019.**

P.C.:-

1] This is an application for suspension of substantive sentence and for releasing the applicant on bail.

2] The applicant has been convicted under section 420 of the Indian Penal Code and is sentenced to suffer 18 months of Simple Imprisonment and to pay a fine amount of Rs.30,000/-, in default of payment of fine to further suffer simple imprisonment for 2 months, by the learned Judicial Magistrate First Class, Solapur, District-Solapur in R.C.C. No.1127/2014 by its Judgment and Order dated 27/07/2015.

3] In Criminal Appeal bearing No.98 of 2015 preferred by the

applicant, the learned Session Judge, Solapur while maintaining the conviction, modified the sentence and has converted the sentence from 18 months simple imprisonment to 06 (six) months simple imprisonment, however has increased the fine amount of Rs.20,00,000/- in default of payment of fine, to further undergo simple imprisonment for 06 (six) months by its Judgment and Order dated 04/05/2019.

4] The learned counsel for the applicant submitted that as of today the applicant has undergone actual imprisonment of two months out of the said six months.

5] In view thereof, I am inclined to suspend the substantive sentence imposed upon the applicant and release him on bail, subject to condition that the applicant shall deposit 50% of the fine amount i.e. Rs.10,00,000/- in the Registry of the Trial Court before his actual release from jail.

Hence the following Order :

- (i) During the pendency of the present Revision, the substantive sentence imposed upon the applicant is suspended.
- (ii) During the pendency of the Revision, the applicant be released on bail on his furnishing PR bond in the sum of Rs.15,000/-

with one or two local sureties in the like amount.

(iii) The procedure for the bail be completed before the Trial Court i.e. Judicial Magistrate First Class, Solapur, District-Solapur.

(iv) Before his actual release from jail, the applicant shall deposit 50% of the fine amount i.e. Rs.10,00,000/- in the Registry of the Trial Court.

(v) It is made clear that 50% of fine amount shall be the condition precedent for the actual release of applicant from jail.

(vi) After his release from jail, the applicant shall attend the Court of the learned Judicial Magistrate First Class, Solapur, District-Solapur on every 1st Monday of the every third month between 11.00 a.m. and 2.00 p.m. and to mark his presence.

If the 1st Monday of the said month falls on a holiday and/or non-Court working day, the applicant shall mark his presence immediately on the next working day.

6] Application is allowed in the aforesaid terms.

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

(A.S. GADKARI, J.)