

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

**CRIMINAL APPLICATION NO. 368 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 352 OF 2019**

Charlie @ Malsiddha Somanna Dolle	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.V.V. Purwant for Applicant.
Mr.R.M. Pethe, APP for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 9th October 2019.

PC. :

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

2] The applicant is convicted under Section 377 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.6000/-, in default of payment of fine to further undergo simple imprisonment of six months by the learned Judicial Magistrate First Class, Court No.3, Solapur, in Regular Criminal Case

No.06 of 2012 by its Judgment and Order dated 26th November 2015.

The Criminal Appeal No. 149 of 2015 preferred by the applicant has been turned down by the learned Additional Sessions Judge, Solapur, by its Judgment and Order dated 27th June 2019.

3] The learned counsel for the applicant submitted that, the applicant has already deposited fine amount in the Registry of the Trial Court. He further submitted that, after dismissal of the Appeal by the Appellate Court, the applicant has been taken into custody on 27th June 2019 for undergoing sentence. He submitted that, as of today, the applicant has undergone three and half month of imprisonment out of the total sentence imposed upon him.

4] As the maximum sentence imposed upon the applicant is three years of rigorous imprisonment and the possibility of hearing the Revision Application on its own merits in near future is remote, I am inclined to suspend the sentence imposed upon the applicant and to release him on bail.

5] Hence, following order :

(i) During the *pendency* of the present Revision Application, the substantive sentence imposed upon the applicant is hereby suspended.

(ii) During the *pendency* of the Revision Application, the applicant is released on bail on following terms and conditions.

(a) The applicant be released on bail on his furnishing PR Bond of Rs.20,000/- with one or two local sureties in the like amount.

(b) The procedure for bail be complied with before the trial Court.

(c) After his release from jail, the applicant shall attend the trial Court on every first Monday of every third month between 11.00 am and 2.00 pm and mark his presence. If the said Monday comes on a holiday 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.

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

[A.S. GADKARI, J.]