

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

**CRIMINAL APPLICATION NO. 1290 OF 2019
IN
CRIMINAL APPEAL NO. 1048 OF 2019**

Baburao Mahadeo Patil ... Appellant/Applicant
V/s.
The State of Maharashtra and Anr. ... Respondents

Mr. Rahul Patil i/by Mr. Umesh R. Mankapure for applicant.
Mr. S.R. Agarkar-APP for the State.

**CORAM : SMT. SADHANA S. JADHAV, J
DATED : 21ST AUGUST, 2019.**

P.C. :

1. Heard.
2. This is an application filed under Section 389 of Cr.P.C. The applicant herein seeking suspension of substantive sentence imposed upon him by the Additional Sessions Judge and Special Judge in Spl. Atrocity Case No. 04 of 2017, vide judgment and order dated 21st June 2019, thereby convicting him for the offence punishable under section 3 (1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and sentencing him to suffer S.I. for one year and to pay fine of Rs. 500/-, in default, to suffer further simple imprisonment for one month.
3. The sentence imposed upon the applicant is short term sentence. The applicant was on bail during the pendency of the trial

and has not committed breach of any conditions imposed upon him.

4. In view of the this, the applicant is entitled to the extension of the same relief during the pendency of the appeal. Hence, the following order:-

Order

- i) The Criminal Application is allowed.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 21st June 2019 passed by Additional Sessions Judge and Special Judge is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.
- iv) The applicant shall cause his presence before the learned Additional Sessions Judge and Special Judge once in six months on the date assigned by the Additional Sessions Judge and Special Judge
- v) Upon failure to attend any two consecutive dates, the Additional Sessions Judge and Special Judge shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.
- vi) The application stands disposed of.

(SMT. SADHANA S. JADHAV, J)