

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

CRIMINAL APPLICATION NO. 440 OF 2019

Sayaji Vasant Rao Dhabade

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Umesh Pawar for the Applicant.

Mr. R.M. Pethe APP for the State.

CORAM : A.S. GADKARI J.

DATE : 28th August, 2019

P.C. :-

1. This is an application for suspension of sentence and for releasing the applicant on bail.
2. The applicant-original accused, is convicted under Section 138 Negotiable Instruments Act and is sentenced to suffer rigorous imprisonment for six months and to pay compensation of Rs. 3,00,000/- (Rs.Three lakhs) to the complainant, in default of payment of compensation, further suffer rigorous imprisonment for two months by the learned Judicial Magistrate, First Class, Islampur, by its Judgment and Order dated 27th March 2012 passed in Summary Criminal Case No. 74 of 2010.

The Criminal Appeal No. 48 of 2013 preferred by the applicant has been dismissed by the learned Additional Sessions Judge, Islampur by its Judgment and Order dated 6th March, 2019.

3. The learned Counsel for the applicant submitted that, after the appeal preferred by the applicant was dismissed, in furtherance of conviction warrant issued by the trial Court, applicant has been taken into custody in second week of July 2019 for undergoing sentence.

4. As the maximum sentence imposed upon the applicant is six months 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 substantive sentence imposed upon the applicant and to release him on bail subject to condition that applicant shall deposit Rupees one lakh fifty thousand in the Registry of the trial Court before his actual release from jail.

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 present Revision Applicant, 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.10,000/- with one or two local sureties in the like amount.

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

(c) It is made clear that deposit of Rupees One lakh fifty thousand in the Registry of the trial Court is a condition precedent for actual release of applicant from jail.

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.)