

Anand

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

CRIMINAL APPLICATION NO. 42 OF 2019

(For Bail)

IN

CRIMINAL APPEAL NO. 1291 OF 2018

Manan Jaivadan Dave

.Applicant

Vs.

The State of Maharashtra & ors.

.Respondents

Mr. A. Pande i/b. Mr. K. Mhatre, Advocate, for the Applicant

Mr. S. V. Gavand, APP, for the Respondent No. 1 – State

Mr. A. N. Naikwadi, Advocate, for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.

DATE : 26.03.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks suspension of his sentence and enlargement on bail pending the hearing and final disposal of his Appeal. Learned counsel for the Applicant states that the Applicant was on bail pending trial and that he has not misused / abused the liberty granted to him. He submits that the Applicant has been falsely implicated in the said case, on

account of a financial transaction / dispute between the Complainant and the Applicant.

3. Learned APP does not dispute the fact, that the Applicant has not misused / abused his liberty, whilst on bail. On instructions, he further states that except the alleged incident, there were no other complaints / FIRs registered as against the Applicant then or after his release on bail.

4. Perused the papers. The maximum sentence imposed on the Applicant is five years. The sentence is a short term sentence. The Applicant whilst on bail has not misused / abused his liberty. The Appeal is also not likely to be heard in the immediate near future.

5. Considering the aforesaid, the Application is allowed. The Applicant's sentence is suspended and he is enlarged on bail on the following terms & conditions :-

O R D E R

(i) The Applicant be released on bail on his furnishing P. R. Bond in the sum of **Rs.25,000/-** with one or more sureties in the like amount;

(ii) The Applicant shall report to the learned Additional Sessions Judge, Borivali Division, Dindoshi, Goregaon, Mumbai **once in three months** on the date and time assigned by the learned Sessions Judge. Upon failure to attend any two consecutive dates, the learned Sessions Judge, Mumbai shall make report to the High Court and the prosecution would be at liberty to file an Application seeking cancellation of the Applicant's bail.

6. The Application is, accordingly, disposed of.

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

(REVATI MOHITE DERE, J.)