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

**CRIMINAL APPLICATION NO.65 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.47 OF 2019**

Akbar Kutbuddin Desai ... Applicant.

V/s.

State of Maharashtra ... Respondent

Mr. Indrajeet Joshi, for the applicant.

Mr. A. R. Patil, APP for respondent State.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 8th FEBRUARY, 2019.

P.C. :

- 1] Heard learned counsel for the applicant and respondent.
- 2] The applicant accused is convicted for the offence punishable under Section 279 of the Indian Penal Code and sentence to suffer R.I. for three months with fine. He is also convicted for offence punishable under Section 304(a) of the Indian Penal Code and sentenced to suffer R.I. for one year with fine, by order dated 30.06.2014, passed by the Judicial Magistrate First Class, Miraj. Criminal Appeal No.121 of 2014, filed against this order was dismissed by the order dated 21.01.2019, by the Additional Sessions Judge, Sangli. Hence this Criminal Revision.

3] Learned counsel for the applicant accused submits that on 21st January, 2019, applicant accused has been taken in custody. He was on bail through out the trial So also during appeal period he was on bail. He has good case on merits and this Revision Application will not come up for hearing in near future and therefore, the applicant accused be released on bail by suspending the sentence.

4] Learned APP submits to the orders of the Court.

5] The offence is bailable and the applicant accused was on bail through out the trial and also during the appeal period. In view of the submissions made by learned counsel for the applicant accused, application is allowed with following order.

ORDER

i) The sentence imposed on the applicant, by the impugned judgment and order passed by the learned Additional Sessions Judge is suspended during pendency of this Revision Application.

ii) The accused be released on bail, on his furnishing bail bonds in the sum of Rs.15,000/- with one or two sureties in the like amount and on the same terms and conditions on which he was on bail during the trial and appeal period.

Iii) The accused shall remain present at the time of hearing of this Revision Application.

6] Application is disposed off.

7] The Revision be placed for hearing on 27.06.2019.

[MRS. MRIDULA BHATKAR, J.]