

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

**CRIMINAL APPLICATION No. 92 OF 2019
IN
CRIMINAL REVISION APPLICATION No. 79 OF 2019**

Arun Ramchandra Salve

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.Sunil S.Sabhadinde for the Applicant.
Mr. A.R.Patil, APP for the Respondent -State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 20 MARCH 2019**

P.C.:

1. Upon urgent mentioning, taken on production board.
2. This Criminal Application is moved by the applicant/accused for suspension of sentence and for bail. The applicant/accused is convicted for the offence punishable under section 409 of the Indian Penal Code and is sentenced to suffer R.I. for four years and directed to pay a fine of Rs. 10,000/-, in default to suffer R.I. for another three months by judgment and order dated 19.04.2016 passed by the learned Chief Judicial

Magistrate, Thane in R.C.C. No.0300075 of 2004. The applicant/accused is further directed to pay Rs. 5,65,000/- towards compensation along with interest thereon. The said order was challenged in Criminal Appeal No. 49 of 2016. The said Appeal was dismissed by judgment and order dated 21.12.2018 passed by the learned District Judge -4 and Additional Sessions Judge, Thane and upheld the order of the trial Court. The applicant/accused is taken in custody on 21.12.2018. Hence, this Application for bail and suspension of sentence.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused was on bail throughout the trial and appeal. He has further submitted that the applicant/accused is having a good case on merits, as he has not committed any offence. He has further submitted that the applicant/accused will be available for hearing of the Revision Application. Hence, he prays that the bail be granted to the applicant/accused and the sentence be suspended.

4. The learned APP submitted to the order passed by this Court.

5. In view of above submissions and also as there is no chance that the the Revision Application will be heard in near future, the application is

allowed on the following terms :

- (i) The impugned conviction and sentence is suspended, pending Revision Application;
 - (ii) The applicant/accused shall be released on bail upon furnishing a P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
 - (iii) The applicant/accused shall not jump the bail;
 - (iv) The applicant/accused shall make himself available on all the Court dates.
6. Issue notice to the respondents in the Criminal Revision Application, returnable on 17.07.2019.
7. Criminal Application stands disposed of accordingly.
8. Parties to act upon an authenticated copy of this order.

(MRIDULA BHATKAR, J.)