

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

**CRIMINAL APPLICATION NO.349 OF 2019
IN
CRIMINAL APPEAL NO.381 OF 2019**

Vishal Vitthal Jadhav

... Applicant/Appellant

Vs

The State of Maharashtra

... Respondent

...

Mr.Sachin Gite for the applicant.

Mr.A.S. Patil, APP, for the respondent-State.

...

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 18th JULY 2019.

P.C. :

The appellant faced allegations under Sections 325 and 452 of Indian Penal Code, 1860. Upon trial, through Judgment, dated 8th February 2019, in Sessions Case No.274 of 2018, the Additional Sessions Judge, Nashik, convicted the appellant and sentenced him to undergo, among other things, three years rigorous imprisonment, beside fine.

2. The appeal already stands admitted.

3. As the record reveals, the sentence is short. And I reckon the appeal will invariably take a few more years before the Court takes it up for final hearing. It is iniquitous, in the meanwhile, to keep the applicant in jail pending the appeal. Further, the applicant had been on bail during the trial and faced no allegations of violating the bail conditions.

4. Under these circumstances, I suspend the sentence and enlarge the applicant on bail subject to these conditions:

ORDER

- (i) Criminal Application is allowed.
- (ii) Substantive sentence imposed on the applicant/accused is suspended and he is directed to be released on bail on his executing P.R. Bond in the sum of Rs.20,000/- and on furnishing two sureties in the like amount.
- (iii) The applicant/accused should not contact the informant, the victim, any other member of the victim's family, or any witness, in any manner, pending this appeal.
- (iv) The applicant's failure to abide by these conditions will entail the prosecution to apply for cancellation of the applicant's bail.
- (v) Criminal Application is, accordingly, disposed of.

(DAMA SESHADRI NAIDU, J.)