

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 513 OF 2019
IN
CRIMINAL APPEAL NO. 522 OF 2017

Subhash Mahendra Shirwale	... Applicant/Appellant
V/s	
The State of Maharashtra	... Respondent

Santosh M. Deshpande for the Applicant.
A. S. Patil, APP for the Respondent – State.

CORAM : DAMA SESHADRI NAIDU, J.
DATED : 31th July, 2019

P.C.:

The applicant, along with nine other accused, was charged with offences under sections 170, 171, 201, 341 and 395, read with section 120-B of the Indian Penal Code. The Additional Session Judge, City Civil and Session Court, Gr. Bombay in Session Case No. 240 of 2014, convicted all the accused and sentenced them to undergo, among other things, 10 years' rigorous imprisonment. Aggrieved, the applicant has filed a statutory appeal. In that appeal, he has also filed this criminal application under section 389 of the Criminal Procedure Code for the suspension of the sentence and for his enlargement on bail.

2. Heard the learned Counsel for the applicant and the learned Additional Public Prosecutor, besides perusing the record.

3. As seen from the record, the applicant was arrested on 24th November, 2013. He has so far served almost six year of 10 years' sentence inflicted on him. The applicant's counsel has also informed

that the accused no. 6 has already been enlarged on bail.

4. Given the fact that the applicant has served substantial part of the sentence, that is more than 50%, and that this Court is unlikely to take up the appeal immediately, it is a fit case for the Court to suspend the sentence and enlarge the applicant on bail. I do so subject to the following conditions:

ORDER

- (i) The application is allowed.
- (ii) Substantive sentence imposed on the applicant is suspended, and he is directed to be released on bail on his executing P.R. Bond for Rs.20,000/- and on his furnishing two sureties for the like sum.
- (iii) The applicant should not contact the first informant or victim 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 bail now granted to the applicant.

(DAMA SESHADRI NAIDU, J.)