

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 569 OF 2019
IN
CRIMINAL APPEAL NO. 48 OF 2019

Vijay Namdeo Thombare ... Applicant/Appellant
V/s
The State of Maharashtra & Anr. ... Respondents

Prakash L. Shetty for the Applicant/Appellant.
Ms. P. N. Dabholkar, APP for the State-Respondent.

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

P.C.:

The applicant has been charged with the offences u/s. 354 r/w. sections 109 and 360(A) of the Indian Penal Code, besides section 3(2) and 3(3) of the Maharashtra Preventions and Eradication of Human Sacrifice and Other Inhuman Evil and Aghori Practices and Black Magic Act, 2013. Eventually, along with other accused, the applicant has been convicted and sentenced to undergo, among other things, 7 years' rigorous imprisonment. Now it comes to light that the applicant has been in jail for more than 4 years, that is from 7th May, 2015. Throughout the trial, he has been in jail and, thereafter, he has been serving the sentence to this date.

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

3. As the applicant has served substantial part of the sentence, that is more than 50%, and as this Court is unlikely to take up the appeal immediately, it is the 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.)