

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 610 OF 2019
IN
CRIMINAL APPEAL NO. 601 OF 2019

Mrutyunjay Vijay Garg.

..Applicant.

V/s.

The State of Maharashtra.

..Respondent.

Mr. Sachindra B. Shetye I/b. Mr. Irfan A. Shaikh, advocate for applicant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : MAY 2, 2019.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 389 of the Code of Criminal Procedure, 1973 seeking suspension of substantive sentence imposed upon the applicant by Additional Sessions Judge, Gr. Bombay convicting him for offence punishable under section 332 of the Indian Penal Code and sentenced to suffer R.I. for 3 years and to pay fine of Rs. 5,000/- I.d. to undergo S.I. for 3 months. The applicant is also convicted for offence punishable under section 365 of the Indian Penal Code and sentenced to suffer R.I. for 3 years and to pay fine of Rs. 10,000/- I.d. to

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undergo S.I. for 3 months. The applicant is also convicted for the offence punishable under section 394 of the Indian Penal Code and sentenced to suffer R.I. for 3 years and to pay fine of Rs. 10,000/- I.d. to suffer S.I. for 3 months vide Judgment and Order dated 1st March, 2019 in Sessions Case No. 755/2013.

3 The learned Counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any condition imposed upon him.

4 The sentence imposed upon the applicant is a short term sentence. This Court is hearing the jail appeals of the year 2013 and hence, it would not be possible to hear the present appeal expeditiously. Hence, the applicant deserves to be granted bail. Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicant is hereby suspended. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- with one or more solvent sureties in the like amount.

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(iii) The applicant shall report to the Sessions Court, Gr. Bombay once in six months on the date specified by the concerned Sessions Court, Gr. Bombay. Upon failure to attend any two consecutive dates, the Sessions Court, Gr. Bombay shall report the same to the High Court and the prosecution is at liberty to move for cancellation of bail.

5 The application is disposed of on the above terms.

[SMT. SADHANA S. JADHAV, J.]