

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

**CRIMINAL APPEAL NO.614 OF 2019
WITH
CRIMINAL APPLICATION NO.630 OF 2019**

Mr. Sanjay Shivaji Patil Appellant/Applicant
Vs.
The State of Maharashtra & Ors. Respondents

Mr. Anvil S. Kalekar for the appellant/appellant.
Mr. S.R. Agarkar, APP for State.

**Coram : Smt. Sadhana S. Jadhav, J.
Date : 16th April 2019**

P.C.:

- 1 Appeal admit. Issue notice to respondent no. 2.
- 2 Heard the application.
- 3 The above application is filed under Section 389 Code of Criminal Procedure. The applicant herein is convicted by the Additional Sessions Judge, Malshiras, vide judgment and order dated 20th March 2019 thereby convicting the applicant for the offence punishable under Sections 354, 452 of the Indian Penal Code and

under Sections 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and sentenced to suffer simple imprisonment for two years each, fine of Rs.5,000/-, Rs.5,000/- and Rs.10,000/- respectively and in default to pay fine amount to suffer further simple imprisonment for three months respectively in Special Case No. 16 of 2013.

4 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 conditions imposed upon him. It is also submitted that the applicant has been sentenced to a short term sentence and that there is no possibility of the appeal being finally heard in the near future and hence the applicant is entitled to the extension of same relief during the pendency of the appeal. Hence, the following order.

ORDER

- i) The application is allowed and disposed of.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 20th March 2019 is hereby suspended.

- iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.20,000/- with one or more solvent sureties in the like amount.
- iv) The applicant shall report to the Court of Additional Sessions Judge, Malshiras, once in six months on the date assigned by the Sessions Judge.
- v) Upon failure to attend any two consecutive dates, the Sessions Court shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

(Smt. Sadhana S. Jadhav, J)