

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

**CRIMINAL APPLICATION NO. 693 OF 2019
IN
CRIMINAL APPEAL NO. 660 OF 2019**

Nathuram Bhanudas Tengale	..Appellant/Applicant
v/s.	
The State of Maharashtra	..Respondent

Mr. Kuldeep U. Nikam for Appellant/Applicant.
Mr. Y.M. Nakhwa-APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 30th April 2019.

P.C.

1. Heard.
2. This is an application filed under Section 389 of Cr.P.C. The applicant herein is seeking suspension of substantive sentence imposed upon him by the Additional Sessions Judge, Sangli in Sessions Case No. 81 of 2014, vide judgment and order dated 16th March 2019, thereby convicting the applicant for the offence punishable under section 307 of the Indian Penal Code, Vide Section 235 92) of Code of Criminal Procedure and sentencing to suffer rigorous imprisonment for five years and to pay fine of Rs. 5000/- (Five Thousand Only), in default, to suffer rigorous imprisonment for six months. The applicant also convicting for the offence punishable under Section 504 of the Indian Penal Code, vide section 235 (2) of Code of the Criminal Procedure and sentencing to suffer

rigorous imprisonment for one year and to pay fine of Rs.500/- (Five Hundred), in default, to suffer rigorous imprisonment for two months.

3. The learned counsel for the applicant submits that the applicant was arrested on 30th of September 2013 and was enlarged on bail on 13th November 2013. It appears that the applicant was taken in custody on 4th April 2018 since he had committed breach of any conditions imposed upon him while granting the bail. The applicant has been in custody since 4th April 2018.

4. The learned counsel for the applicant submits that the injured happens to be the father-in-law of the present applicant. That the applicant and his wife desire to live a peaceful matrimonial life and maintain good marital relations. In view of this the learned counsel for the applicant submits that the applicant be enlarged on bail as he has undergone about one year and two months in custody.

5. In any case the sentence imposed upon the applicant is short term sentence. This court hearing the jail appeals of the year 2013 and it would not be possible to hear the appeal expeditiously and hence in view of the Judgment of the Hon'ble Apex Court in the case of Kiran Kumar v/s State of MP reported in 2001 A.I.R. SCW, 5130 the applicant deserves to be enlarged on bail during the pendency of the appeal. Hence the following order:-

Order

- i) The Criminal Application is allowed.
- ii) The substantive sentence imposed upon the

applicant by the Additional Sessions Judge, Sangli in Sessions Case No. 81 of 2014, vide judgment and order dated 16th March 2019 is hereby suspended.

iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty -Five Thousand only) and one or more sureties in the like amount.

iv) The applicant shall cause his presence before Additional Sessions Judge, Sangli once in three months on the date assigned by Additional Sessions Judge, Sangli.

v) Upon failure to attend any two consecutive dates, the Additional Sessions Judge, Sangli shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.

vi) It is also made clear that in the eventuality a report is filed under section 498 (a) of Indian Penal Code against the applicant by his wife or the injured father-in-law. The State shall file an application seeking cancellation of bail.

vii) The application stands disposed of.

The parties to act on an authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J)