

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO. 932 OF 2019**  
**IN**  
**CRIMINAL APPEAL NO. 834 OF 2019**

Mohan Raghunath Kambali ... Appellant/Applicant

V/s.

The State of Maharashtra. ... Respondent

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Ms. Juanita Menezes I.by Mr. Kuldeep S. Patil for  
Appellant/Applicant.

Ms. Pallavi Dabholkar - APP for the State.  
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**CORAM : SMT. SADHANA S. JADHAV, J**  
**DATED : 1<sup>st</sup> JULY 2019.**

**P.C. :**

1. Heard. Perused the records and proceedings.
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 Additional Sessions Judge, Raigad-Alibaug in Sessions Case No. 72 of 2014, vide judgment and order dated 14<sup>th</sup> May 2019, thereby convicting him for the offence punishable under Section 307 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for three years and fine of Rs.2,000/- in default, to suffer further rigorous imprisonment for two months.
3. The applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon

him. The sentence imposed upon him is short term sentence. It would be appropriate to enlarge the applicant on bail as he would be entitled to the extension of same relief during the pendency of the appeal. Hence, the following order:-

**Order**

- i) The Criminal is allowed.
- ii) The substantive sentence imposed upon the applicant by Additional Sessions Judge, vide judgment and order dated 14<sup>th</sup> May 2019 in Sessions Case No. 72 of 2014 is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.
- iv) The applicant shall cause his presence before the Additional Sessions Judge, Raigad-Alibaug, once in six months on the date assigned by the learned Additional Sessions Judge, Raigad-Alibaug.
- v) Upon failure to attend any two consecutive dates, the Additional Sessions Judge shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.
- vi) The Criminal Application stands disposed of.

**(SMT. SADHANA S. JADHAV, J)**