

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

**CRIMINAL APPLICATION NO. 998 OF 2019
IN
CRIMINAL APPEAL NO. 875 OF 2019
WITH
CRIMINAL APPLICATION NO. 999 OF 2019
IN
CRIMINAL APPEAL NO. 875 OF 2019**

Rohitkumar @ Bittu Niranjan Varma ... Applicant/Appellant
Vs

The State of Maharashtra ... Respondent

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Mr.Priyatosh Tiwari i/b. Mr.Ashok M. Sarogi for the applicant.
Mrs.J. S. Lohakare, APP, for the respondent-State.

...

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 18th JULY 2019.

P.C. :

1. The applicant is the accused no.4 in Sessions Case No.595 of 2014, for the alleged offences punishable under Section 489-B and 489-C read with 120-B of Indian Penal Code, 1860; and Sections 15, 16, 18 of the Unlawful Activities (Prevention) Act, 1967. Upon trial, the Additional Sessions Judge, Mumbai, through its Judgment, dated 30th May 2019, convicted the applicant and sentenced him to undergo, among other things, rigorous imprisonment for 7 years.

2. Heard Shri Tiwari, the learned counsel for the applicant, and Mrs. Lohakare, the learned APP, for the respondent-State.

3. The record reveals that the applicant was arrested on 22nd April 2014 and continued to be in jail through the trial. To this day, out of 7 years, he has completed 5 years and 3 months. As he has served more than 50% of the sentence imposed, and as it is unlikely for this Court to take up his appeal immediately, I reckon the sentence needs to be suspended and the applicant released on bail. Accordingly ordered subject to these conditions:

ORDER

- (i) Criminal Application is allowed.
- (ii) Substantive sentence imposed on the applicant/2nd accused is suspended and he is directed to be released on bail on his executing P.R. Bond for Rs.30,000/- and on furnishing two sureties for the same amount.
- (iii) The applicant/2nd accused should not contact the first informant, or any other witness, or any member of the victim's family in any manner.
- (iv) The applicant's failure to abide by these conditions shall entail the prosecution to apply for cancellation of bail granted to the applicant/ 2nd accused.
- (v) Criminal Application is, accordingly, disposed of.

(DAMA SESHADRI NAIDU, J.)