

**THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1016 OF 2018
(FOR BAIL AND SUSPENSION OF SENTENCE)
IN
CRIMINAL APPEAL NO. 821 OF 2018**

Santosh Murlidhar Lahange

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Akshay R. Pai I/b Mr. Vikram Vyankatesh Pai for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY. 27th MARCH 2019

P.C. :

1 Heard learned counsel for the parties. By this application, the applicant seeks suspension of his sentence and enlargement on bail pending the hearing and final disposal of his appeal.

2 Learned counsel for the applicant submits that the applicant was on bail pending trial and that the applicant has not misused or abused his liberty whilst on bail. He further submits that PW 8-Dr. Harshal Mahatme has not stated that the injury sustained by

the injured (PW 2) was a grievous injury or a life threatening injury which, in the ordinary course of nature, would have caused his death. He submits that considering the medical evidence, the offence would not be under Section 307 of the Indian Penal Code ('IPC') but would constitute a lesser offence.

3 Learned A.P.P does not dispute the fact that the applicant has not abused or misused his liberty whilst on bail.

4 Perused the papers. The applicant has been convicted for the offence punishable under Section 307 of the IPC and has been sentenced to suffer SI for 7 years and to pay a fine of Rs. 3,000/-, in default, to suffer SI for 6 months, vide judgment and order dated 31st May 2018 by the Additional Session Judge-2, Nashik in Sessions Case No. 296 of 2014. The appeal was admitted vide order dated 10th July 2018. It is not in dispute that the applicant was on bail pending trial and that he has not misused or abused his liberty, whilst on bail. The sentence imposed is a short term sentence and the appeal is not likely to be heard in near future.

5 Considering the aforesaid, following order is passed :

ORDER

- (i) The application is allowed;

- (ii) The applicant's sentence is suspended;

- (iii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;

- (iv) The applicant shall not contact or attempt to influence the complainant or the prosecution witnesses or any person concerned with the case;

- (v) The applicant shall report to the trial Court once in three months as specified by the trial Court, till his appeal is finally disposed of;

(vi) The applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

(vii) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

6 The application is disposed of in the aforesaid terms.

7 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.