

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1044 OF 2019
IN
CRIMINAL APPEAL NO. 504 OF 2017

Mahadev Ganpat Dengale ... Applicant

v/s.

The State of Maharashtra ... Respondent

Mr. N.S. Gawankar i/b. Manas Gawankar for applicant.
Mr. A.S.Patil, APP for the State.

CORAM : DAMA SESHADRI NAIDU, J.

24th July 2019.

P.C.

The applicant was charged with offences under section 395 read with Section 120-B of Indian Penal Code. Later, he was tried in Sessions Case No.240/2014. The Greater Bombay Sessions Court, in its judgment dated 11/05/2017, convicted the applicant and sentenced him, among other things, to 10 years' rigorous imprisonment.

2. In the statutory appeal, the applicant has filed this Criminal Application. He wants the Court to suspend the sentence and enlarge him on bail.

3. Heard Shri Gawankar, the learned counsel for the applicant, and learned APP for the State.

4. As the record reveals, that applicant was arrested on 15th November 2013 and had been in judicial custody throughout the trial. Thereafter, after the judgment, he has been serving the sentence to this date. Thus, the entire period of incarceration comes to more than six years—that is, more than 50% of the sentence imposed.

5. Under these circumstances as the Court is unlikely to hear the appeal soon, the Court suspends the sentence and enlarges the applicant on bail subject to these conditions:-

ORDER

(i) Application is allowed.

(ii) Substantive sentence imposed on the applicant is suspended and he is directed to be released on bail on his executing P.R. Bond in the sum of Rs. 20,000/- and on his furnishing two sureties, each for the like sum.

(iii) Pending the appeal, the applicant should not contact the first informant or abuse the bail in any other manner.

- (iv) The applicant's failure to abide by these conditions will entail the prosecution to apply for cancellation of bail now granted to the applicant.

(DAMA SESHADRI NAIDU, J)

L.S. Panjwani, P.S.