

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

**CRIMINAL APPLICATION NO. 1264 OF 2019
IN
CRIMINAL APPEAL NO. 544 OF 2017**

Dayanand Salve ...Applicant
Versus
The State of Maharashtra ...Respondent

Manas Gawankar– Advocate for the applicant.

**CORAM : DAMA SESHADRI NAIDU, J.
DATE : 9th AUGUST 2019.**

P.C. :

Not on board. Taken on board to amend prayer clause-“a”.

2. The applicant's counsel is permitted to amend the prayer clause- “a”, as he has represented that by oversight he did not plead about the suspension of sentence. Amendment to be carried out forthwith.

3. The applicant was charged with the offences under Section 395 read with Section 120-B of IPC. Later, he was tried in Sessions Case No. 240 of 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.

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

5. Heard Shri Gawankar, the learned counsel for the applicant, and learned APP for the State on 2.08.2019.

6. As the record reveals, that applicant was arrested on 15th November 2013 and had been in judicial custody throughout the trial. Thereafter, the judgment pronounced on 11.05.2017, he has continued to serve the sentence to this date. Thus, the entire period of incarceration comes to over six years—that is, more than 50% of the sentence imposed.

7. Under these circumstances, as the Court is unlikely to hear the appeal soon, and as the applicant does not seem to have any criminal antecedents, the Court suspends the sentence and enlarges the applicant on bail subject to these conditions:

ORDER

1. Criminal Application is allowed.

2. Substantive sentence imposed on the applicant is suspended, and he is directed to be released on bail on his executing P.R. Bond for Rs.20,000/- and on his furnishing one or two sureties for the like sum.

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

4. 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.]