

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

CRIMINAL APPLICATION NO. 436 OF 2019

Shyam Shamrao Madane ...Applicant

Vs.

The State of Maharashtra ...Respondent

Smt. Saili Dhuri I/by P.M. Patil for the Applicant.

Mr. R.M. Pethe APP for the State.

CORAM : A.S. GADKARI J.

DATE : 28th August, 2019

P.C. :-

1. This is an application for suspension of substantive sentence and for releasing the applicant on bail.

2. The applicant-original accused is convicted under Section 323 of Indian Penal Code and is sentenced to suffer rigorous imprisonment for six months and to pay fine amount of Rupees 1,000/- in default of payment of fine to further suffer simple imprisonment for one month, by the learned Judicial Magistrate, First Class, Thane, in RCC No. 509 of 2004 by its Judgment and Order dated 5th December 2012.

The Criminal Appeal No. 1 of 2013 preferred by the applicant has been dismissed by the learned Additional Sessions Judge, Thane, by its Judgment and Order dated 25th July, 2019.

3. The learned Counsel for the applicant submitted that the applicant has already deposited fine amount in the Registry of the trial Court. The learned Counsel further submitted that the Appellate Court by its Order dated 25th July 2019 has suspended the sentence imposed upon the applicant upto 25th August 2019 on executing P.R. Bond of Rs. 15,000/- and furnishing fresh sureties in the matter.

4. As the maximum sentence imposed upon the applicant is six months of rigorous imprisonment and the possibility of hearing the Revision Application on its own merits in near future is remote, I am inclined to suspend the substantive sentence imposed upon the applicant and to release him on bail.

5. Hence, following order :

(i) During the pendency of the present Revision Application, the substantive sentence imposed upon the applicant is hereby suspended.

(ii) During the pendency of the present Revision, the applicant is released on bail on following terms and conditions.

(a) The applicant be released on bail on his furnishing PR Bond of Rs.15,000/- with one or two local sureties in the like

amount.

*(b) The procedure for bail be complied with
before the trial Court.*

6. Application is allowed in the aforesaid terms.
7. All the concerned to act on the basis of the authenticated copy of this order.

(A.S.GADKARI, J.)