

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

**CRIMINAL APPLICATION NO.594 OF 2019
WITH
CRIMINAL APPLICATION NO.595 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.613 OF 2018**

Vaibhav Shyamsunder Soni ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Anand i/b Rahul Karnik for the Applicant

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: APRIL 2, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. By order dated 11.7.2016 passed by the learned Metropolitan Magistrate, 40th Court, Girgaon, Mumbai passed in CC No.346/PW/2013, the applicant/accused is convicted under section 406 of the Indian Penal Code and sentenced to suffer one year SI and payment of compensation of Rs.2 lakhs and i/d to suffer SI for 6 months. The said order was challenged by the

applicant/accused in Criminal Appeal No.610 of 2016 which was dismissed by the learned Additional Sessions Judge, Greater Mumbai, *vide* judgement and order dated 9.8.2018. Hence, the present criminal applications for bail and suspension of the impugned sentence.

3. The learned Counsel for the applicant/accused submits that applicant/accused has a good case on merits. It is a bailable offence. Further, the applicant/accused was on bail throughout the trial and also during the appeal.

4. Learned Prosecutor is present and submits to the orders of the Court.

5. In view of the submissions of the learned Counsel and also as there is no chance that the Revision Application will be heard in near future, the criminal applications are allowed on the following terms:

- i) The impugned orders dated 11.7.2016 and 9.8.2018 are suspended pending revision;

ii) The applicant/accused shall be released on bail upon furnishing a P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

iii) The applicant/accused shall make himself available on all the Court dates.

6. Issue notice to the respondent in the Criminal Revision Application, returnable on 9.8.2019.

7. Criminal Applications stand disposed of accordingly.

8. All concerned to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)