

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

**CRIMINAL APPLICATION NO.621 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.629 OF 2017**

Shri Shekhar Rahul Tambe ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.M.R. Joshi for the Applicant

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

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 7, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This application for bail and suspension of impugned conviction and sentence is preferred by the applicant/original accused No.3 in RCC No.4943 of 2009 wherein he is convicted by order dated 24.3.2011 by the learned 32nd JMFC, A.C. Link, Pune for the offences punishable under sections 457 r/w 34 of the Indian Penal Code and also under section 380 r/w 34 of the Indian Penal Code. The maximum sentence imposed is 3 years R.I. and fine.

Against the said conviction, the accused preferred Criminal Appeal No.140 of 2011, which was dismissed by judgment and order dated 5.10.2017 confirming the order dated 24.3.2011 passed by the learned Magistrate. The accused was taken into custody on the same date. Hence, this revision and application for bail.

3. The learned Counsel submits that the applicant was on bail throughout the trial. The applicant was 19 years old at the time of the incident. He is inside the prison since last 1 year and 3 months. He submits that there is no possibility that the revision application will be heard in near future. He undertakes to remain present at the time of hearing of the revision application. He therefore prays that the applicant be bailed out and the impugned judgement and sentence be suspended, pending revision.

4. Learned Prosecutor submits to the orders of the Court.

5. In view of the submissions made by the learned Counsel, the application is allowed on the following terms:

- i) The application is allowed and the impugned judgment and sentence dated 24.3.2011 by the learned JMFC and the order dated 5.10.2017 by the learned Additional Sessions

Judge, Pune are suspended pending revision.

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

iii) The applicant/accused shall not indulge into any type of offence;

iv) The applicant shall make himself available at the time of hearing of the Revision application.

6. List the Revision application on 5.4.2019, as per CMIS.

7. Criminal application No.621 of 2017 is disposed of accordingly.

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

(MRIDULA BHATKAR, J.)