

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1358 OF 2020

IN

CRIMINAL APPEAL NO. 412 OF 2020

Shivaji Hariba Kadam

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Mr.PG. Sarda for Applicant/Appellant.

Mr.Amit Palkar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 4th December 2020.

PC. :

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

2. Heard Mr.Sarda, learned counsel for the applicant and Mr.Palkar, learned A.P.P. for the respondent-State.

3. The applicant is original accused No.1. The applicant is convicted under Section 326 and 506 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment of three years and one year respectively on the said two counts and to pay a total fine of Rs.1,500/- by the learned Additional Sessions Judge, Satara in Sessions Case No. 11 of 2016 by its Judgment and Order dated 26th February 2020.

4. Learned counsel for the applicant submitted that, the applicant was on bail during trial and has not breached any of the conditions imposed upon him. He further on instructions submitted that, the applicant has already deposited fine amount in the Registry of the Trial Court on 26th February 2020. He submitted that, as per his instructions, there are no antecedents at the discredit of the applicant.

5. The sentence imposed upon the applicant is a short term sentence. The possibility of hearing the present Appeal on its own merits in near future is remote. The applicant was on bail during the trial and he has not breached any of the conditions imposed on him.

In view thereof, the sentence imposed upon the applicant can be suspended and the applicant can be released on bail.

6. Hence, the following Order :-

- (i) During the pendency of the present Appeal, the substantive sentence imposed upon the applicant is suspended.
- (ii) The Applicant be released on bail in Sessions Case No. 11 of 2016 on his furnishing P.R. bond of Rs.15,000/- with one or two local sureties in the like amount.
- (iii) During the pendency of the present Appeal, the applicant shall attend Satara Taluka Police Station, Satara Taluka, District Satara, on every first Monday of every 3rd Month, starting from December-2020 between 10:00 am and

12:00 noon and shall mark his presency. The applicant thus shall attend Satara Taluka Police Station 4 times in a year during the *pendency* of the present Appeal.

- (iv) If the applicant commits two consecutive defaults in complying with condition No.(iii) above, in that event, the prosecution will be at liberty to file an application for cancellation of bail.
- (v) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]