

Anand

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

INTERIM APPLICATION NO. 1 OF 2020

IN

CRIMINAL APPEAL NO. 1567 OF 2019

Nisha S. Chitnis
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by Nisha S.
Chitnis
Date: 2020.06.29
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Challdurai @ Challa Selvraj Devendra .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Pankaj More a/w Mr. Sukrut Mhatre, Advocate, for the Applicant
Mr. R. M. Pethe, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.06.2020

(THROUGH VIDEO CONFERENCE)

P. C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his Appeal.

3. Perused the papers.

4. The Applicant has been convicted by the learned Sessions Judge, in Sessions Case No. 605 of 2012, vide Judgment and Order dated 07.11.2019, for the offence punishable under Sections 452 of the Indian Penal Code and has been sentenced to suffer S. I. for five years and fine of Rs. 1,000/-. The Applicant has also been convicted for the offences punishable under Sections 323 & 324 r/w 34 of the Indian Penal Code and Section 135 of the Maharashtra Police Act. The maximum sentence imposed on the Applicant under Section 452 of the Indian Penal Code is five years. The Applicant has, however, been acquitted of the offence punishable under Section 307 of the Indian Penal Code.

5. It is not in dispute that this Court has granted bail to the other co-accused in the same case. The Applicant has already undergone 29 months of imprisonment. The Applicant was on bail pending trial.

6. Considering the fact that the sentence imposed is a short term sentence and that the Applicant has already undergone 29 months in custody and that the Appeal is not likely to come up for the hearing in the immediate near future and also having regard to the fact that other co-accused have been enlarged on bail and that the Applicant whilst on

bail during trial has not abused or misused the conditions of bail, the Application is allowed and the Applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms & conditions :-

O R D E R

- (i) The Applicant be released **on cash bail** in the sum of Rs. 25,000/-, **for a period of eight weeks**;
- (ii) The Applicant shall within the said period of eight weeks, furnish P. R. Bond in the sum of Rs. 25,000/-, with one or two sureties in the like amount;
- (iii) The Applicant shall report to the trial Court, once in four months on the day / date specified by the trial Court, till his Appeal is finally disposed of;
- (iv) The Applicant shall keep the trial Court informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time;
- (v) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an Application seeking cancellation of the Applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the copy of this order, digitally signed by the Personal Assistant of this Court.

(REVATI MOHITE DERE, J.)