

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

**CRIMINAL APPLICATION NO. 1 OF 2020
IN
CRIMINAL APPEAL NO. 1553 OF 2019**

Velu Seluraj Devendra ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Sukrut Mhatre a/w Pankaj More, for the Applicant.
Mr. Rushikesh Pethe, APP for the State/Respondent.

**CORAM: N. J. JAMADAR, J.
DATED : 16th JUNE, 2020**

PC:-

- 1.** Heard Mr. Mhatre, the learned Counsel for the applicant and Mr. Pethe, the learned APP for the State/Respondent.
- 2.** This is an application for suspension of sentence and enlarging the applicant - appellant on bail during the pendency of the appeal.
- 3.** The applicant has been convicted by the learned Sessions Judge, in Sessions Case No.605 of 2012 arising out of CR No.52 of 2012, registered with Antop Hill Police Station, Mumbai, for the offences punishable under Sections 452, 323 and 324 of the Indian Penal Code ('IPC') and Section 135 of the Maharashtra Police Act.

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4. For the major offence punishable under Section 452, the applicant – appellant has been sentenced to suffer simple imprisonment for five years and pay fine of Rs.1,000/- with default stipulation.

5. The learned Sessions Judge was persuaded to acquit the applicant – appellant of the offence punishable under Section 307 of IPC.

6. In the aforesaid backdrop, the learned Counsel for the applicant – appellant would urge that having regard to the nature of the offence for which the applicant was found guilty and the quantum of sentence as well as the period of imprisonment more than one year, which the applicant – appellant has already undergone, the applicant – appellant be released on bail.

7. The applicant – appellant has been acquitted of the principal offence of attempt to commit murder punishable under Section 307 IPC. The applicant was on bail during the pendency of the trial. Having regard to the gravity of the offence for which the applicant has been found guilty, the period of imprisonment, which the applicant has been sentenced to suffer, and the fact that it is unlikely to hear the appeal in immediate future, I deem it in the fitness of things to

suspend the sentence during the pendency of appeal and release the applicant – appellant on bail.

8. Hence the following order:

- (i) The application stands allowed.
- (ii) The substantive sentence imposed by the learned Sessions Judge, in Sessions Case No.605 of 2012, by the judgment and order dated 7th November, 2019, for the offence punishable under Sections 452, 323, 324 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, stands suspended till disposal of Criminal Appeal No.1553 of 2019.
- (iii) The applicant - appellant Velu Seluraj Devendra be released on bail on furnishing PR Bond of Rs.15,000/- and a surety in the like amount.
- (iv) The applicant shall not leave India without prior permission of the trial Court.
- (v) The applicant shall attend Antop Hill Police Station on the first Sunday of January, April, July and October, each year, to mark his presence only, till further orders.

9. The application stands disposed of.

[N. J. JAMADAR, J.]