

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1110 OF 2019

IN

CRIMINAL APPEAL NO.1332 OF 2019

RAJARAM KAUTIK SOLANKI

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Ms.Prabha Badadare, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 9th MARCH 2020

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/convicted accused on bail during pendency of the appeal filed by him. The applicant/accused is convicted of the offence punishable under Section 304(Part II), 279 and 337 of the Indian Penal Code as well as under Section 184 of the Motor Vehicles Act. The learned trial court directed that all substantive

sentences shall run concurrently. The highest sentence imposed is for the offence punishable under Section 304(Part II) being that of 5 years rigorous imprisonment apart from direction to pay fine of Rs.1 lakh, and in default, to undergo rigorous imprisonment for 6 months.

2 Heard the learned counsel appearing for the applicant/convicted accused. She argued that fine had already been paid and short sentence of imprisonment is imposed on the applicant/convicted accused. After passing the impugned judgment, the applicant/convicted accused is behind bars for a period of about 1 year.

3 The learned APP opposed the application by contending that the position that the applicant/convicted accused had driven the tempo from wrong side of the road, is rather admitted in the statement under Section 313 of the Code of Criminal Procedure, and as such, no case for releasing the applicant/convicted accused on bail is made out.

4 I have considered the submissions so advanced and also perused the impugned judgment and other material placed on record. Substantive sentence of imprisonment for 5 years has been imposed on the applicant/convicted accused. The appeal filed by him is already admitted for final hearing.

5 Considering the pendency of appeals before this court, the appeal may not be heard in immediate near future. In this view of the matter, the following order :

ORDER

- i) The application is allowed.
- ii) Substantive sentence of imprisonment imposed on the applicant/convicted accused is suspended and the applicant/convicted accused is directed to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount.
- iii) The application is disposed off.

(A. M. BADAR, J.)