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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CRIMINAL APPLICATION NO. 3122 OF 2021
IN
CRIMINAL APPEAL NO.653 OF 2021

VISHNU SHRIRANG BHAPKAR
VERSUS

THE STATE OF MAHARASHTRA

Mr. A. S. Shelke, Advocate for the appeal

Mrs. G. L. Deshpande, APP for the respondent/State

CORAM : N. R. BORKAR, J.

DATE : 15-12-2021

P. C.

. This is an application under Section 389 of the Code of Criminal Procedure for suspension of substantive sentence and to release the applicant on bail.

2. The applicant came to be convicted for the offence punishable under Section 332 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and pay fine of Rs. 1,000/-, in default, to suffer further rigorous imprisonment for two months. The applicant has been further convicted for the offence punishable under

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Section 353 of the IPC, but no separate sentence is awarded for the said offence.

3. I have heard the learned counsel for the applicant and learned APP for the respondent/State.

4. The learned counsel for the applicant submits that the trial Court failed to appreciate the evidence on record in its proper perspective and arrived at the wrong findings. It is submitted that during trial the applicant was on bail and he did not misuse the liberty granted to him. It is submitted that considering the short term of sentence, the substantive sentence be suspended and the applicant be released on bail.

5. On the other hand the learned APP submits that the applicant is involved in the serious offence of assault on public servant i.e. Police Naik. It is submitted that considering the nature of offence the substantive sentence may not be suspended and the applicant may not be released on bail.

6. Considering the fact that the applicant was

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on bail during the trial and the short term of sentence, I am inclined to suspend the sentence and to release the applicant on bail. Hence, the following order is passed.

ORDER

i. The application is allowed.

ii. Substantive sentence imposed by the learned Sessions Judge, Beed on the applicant, in Sessions Case No. 283 of 2019 is suspended.

iii. The applicant be released on bail on executing the PR bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

iv. Bail before the trial Court.

[N. R. BORKAR, J.]