

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CRIMINAL APPLICATION NO.4178 OF 2019
IN APEAL/1257/2019

BALAJI S/O. VITHAL GANGULWAR
VERSUS
THE STATE OF MAHARASHTRA

Mr.H.H. Padalkar, Advocate for the applicant.
Mr.S.P. Sonpawale, APP for the respondent/State.

CORAM : N.R.BORKAR, J.
DATED : 12.10.2021

PC :-

01. This is an application for suspension of substantive sentence and to release the applicant on bail.

02. The applicant came to be convicted for the offences punishable under sections 354, 354-A, 376(1), 506 of the Indian Penal Code. The maximum sentence which is imposed is seven years.

03. I have heard learned Counsel for the applicant and learned APP for the respondent/State.

04. Learned Counsel for the applicant submits that the applicant is in jail for more than three years. It is further submitted that the sentence awarded is only

seven years. It is submitted that if sentence is not suspended then appeal itself will become infructuous.

05. On the other hand, learned APP submits that the applicant is convicted for serious offence punishable under section 376 of the IPC. It is submitted that the substantive sentence may not be suspended.

06. The fact that the applicant has undergone almost half of the sentence awarded by the Trial Court is not disputed. The appeal cannot be taken up for hearing as the paper book is not ready. I am therefore inclined to suspend the substantive sentence and release the applicant on bail. In the result, following order is passed :-

O R D E R

(i) The application is allowed.

(ii) The substantive sentence imposed by the Trial Court on applicant is suspended. The applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

(iii) Bail before the Trial Court.

[N.R.BORKAR, J.]