

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 713 OF 2021

IN

CRIMINAL REVISION APPLICATION NO. 54 OF 2021

Narayan Bapuso Sardesai

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Jayant Bardeskar for Applicant.

Mr.A.R. Patil, A.PP. for Respondent No.1-State.

CORAM : A.S. GADKARI, J.

DATE : 26th February 2021.

PC. :

This is an application for suspension of sentence and for releasing the applicant on bail.

2. Heard the learned counsel for the applicant and the learned A.PP for the respondent. Perused the record.

3. The applicant is convicted under section 326 of the Indian Penal Code and sentence to suffer rigorous imprisonment of two years and pay fine of Rs.7,000/- by the learned Judicial Magistrate First Class, Ajara, District - Kolhapur in R.C.C. No. 08 of 2012 by its Judgment and Order dated 31st December 2012.

Criminal Appeal bearing No.03 of 2013 preferred by the applicant has been dismissed by the learned Additional Session Judge, Gadhinglaj, District Kolhapur by its Order dated 8th February 2021.

4. Learned counsel for the applicant submitted that, the applicant has already deposited entire fine amount in the Registry of the Trial Court. He further on instructions submitted that, during the pendency of the trial so also in appeal, the applicant was released on bail and there is no report of breach of any of the conditions by him.

5. The sentence imposed upon the applicant is a short term sentence. The possibility of hearing the present Revision on its own merits in near future is remote. In view thereof, the sentence imposed upon the applicant can be suspended and the applicant can be released on bail.

6. Hence the following Order :

- (i) During the pendency of the present Revision, the substantive sentence imposed upon the applicant is suspended.
- (ii) The applicant be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one or two local sureties in the like amount.
- (iii) During the pendency of the Revision, the applicant shall attend Ajara Police Station, District Kolhapur on every first Monday of every 3rd Month between 10:00 am and 12:00 noon. The applicant thus shall attend Ajara Police Station

4 times in a year during the pendency of the present Revision.

- (iv) If the applicant commits two consecutive defaults in complying with condition No.(iii) above, in that event, the prosecution will be at liberty to file an application for cancellation of bail.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]