

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1007 OF 2021

IN

CRIMINAL REVISION APPLICATION NO. 82 OF 2021

Nitin Nivrutti Ghatul

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Satyavrat Joshi i/b. Mr.Jaydeep D. Mane for Applicant.

Mr.A.R. Patil, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 26th April 2021.

(Through Video Conferencing)

PC. :

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

2. The Applicant is convicted under Section 279, 304-A of the Indian Penal Code and under Section 134 read with Section 187 of the Motor Vehicles Act and is directed to suffer maximum rigorous imprisonment for 1 year and to pay a total fine of Rs.3,500/-, in default of payment of fine to further suffer prescribed simple imprisonment by the learned 5th Judicial Magistrate First class, Pandharpur in S.T.C. No. 421 of 2013 by its Judgment and Order dated 13th April 2016.

Criminal Appeal No. 21 of 2016 preferred by the Applicant has been dismissed by the learned Extra Jt. Additional Sessions Judge, Pandharpur by its Judgment and Order dated 20th February 2021.

3. Mr.Joshi, learned Advocate for the Applicant, on instructions, submitted that, the Applicant was on bail during the pendency of the trial so also in appeal and there is no report of breach of any of the conditions. He further on instructions submitted that, the Applicant has already deposited entire fine amount in the Registry of the Trial Court. He submitted that, on the date of pronouncement of Judgment by the Appellate Court, i.e. on 20th February 2021, the Applicant has been taken into custody for undergoing sentence.

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

5. Hence, following order :-

- (i) During the pendency of the present Revision Application, the substantive sentence imposed upon the Applicant is suspended.
- (ii) Applicant be released on bail in S.T.C. No. 421 of 2013 on his furnishing P.R. bond of Rs.10,000/- with one or two local sureties in the like amount.

- (iii) Applicant is permitted to furnish cash bail of Rs.10,000/- for a period of 16 weeks from today and during the said period, he shall comply with the procedure of furnishing sureties.
- (iv) After his release from jail and during the pendency of the present Revision Application, initially for a period of one year, the Applicant shall attend Pandharpur City Police Station, Pandharpur, District Solapur, on every first Monday of the month between 10:00 am and 12:00 noon.

After end of one year, the Applicant shall attend Pandharpur City Police Station on every first Monday of every 3rd Month between 10:00 am and 12:00 noon. The Applicant thus shall attend Pandharpur City Police Station 4 times in a year.

6. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]