

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

***CRIMINAL INTERIM APPLICATION NO. 992 OF 2021
(For Bail)
IN
CRIMINAL APPEAL NO. 263 OF 2021***

Santosh Uttareshwar Sutar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ritesh M. Thobde for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent–State

***CORAM : REVATI MOHITE DERE, J.
FRIDAY, 19th MARCH 2021***

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail, pending the hearing and final disposal of the appeal.

3 The applicant, vide judgment and order dated 2nd March 2021 passed by learned Additional Sessions Judge, Solapur in Sessions Case No. 28/2018, has been convicted and sentenced as under:-

- for the offence punishable under Section 498 of the Indian Penal Code, to suffer rigorous imprisonment for 3 years and to pay fine of Rs.2,000/-, in default of payment of fine, to undergo rigorous imprisonment for 6 months;
- for the offence punishable under Section 306 of the Indian Penal Code, to suffer rigorous imprisonment for 5 years and to pay fine of Rs.2,000/-, in default of payment of fine, to undergo rigorous imprisonment for 6 months

Both the sentences were directed to run concurrently.

The applicant was, however, acquitted of the offences punishable under Section 304B of the Indian Penal Code.

4 Learned counsel for the applicant submits that the applicant got married to the deceased some time in 2004 and that the incident took place on 16th April 2016. He submits that no offence as alleged under Section 306 of the Indian Penal Code is disclosed. He further submits that having regard to the fact that the incident has taken place after 12 years of marriage, presumption will also not apply. He submits that the applicant

was on bail pending trial and that he has not misused or abused the conditions of bail. He submits that the fine amount has been deposited.

5 The appeal has been admitted by a separate order passed today. The sentence imposed is a short term sentence and the appeal is not likely to be heard in immediate near future.

6 Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his appeal, on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The applicant shall report to the trial Court, once in four months on the day/date specified by the trial Court, till his appeal is finally disposed of;
- iii) The applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

7 The application is disposed of accordingly.

8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.