

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

**CRIMINAL INTERIM APPLICATION NO.1120 OF 2021
IN
CRIMINAL APPEAL NO. 306 OF 2021**

Jayesh Jayaram Nilvarna ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Vriddhi Maria i/b Mr. Sarfaraz H. Khalife, for the Applicant.

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

CORAM: REVATI MOHITE DERE, J.

DATE : 18th JUNE, 2021

(THROUGH VIDEO CONFERENCING)

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his appeal.
3. The applicant vide Judgment and Order dated 26th February 2021, passed by learned Additional Sessions Judge, Ratnagiri, in Sessions

Case No. 38 of 2019 has been convicted and sentenced as under:-

- for the offence punishable under Sections 353 and 352 of Indian Penal Code, to suffer rigorous imprisonment for 1 year and to pay fine of Rs.5,000/-, in default, to suffer further rigorous imprisonment for 6 months;
- for the offence punishable under Section 506 of Indian Penal Code, to suffer rigorous imprisonment for 6 months.

Both the sentences were directed to run concurrently

4. Learned Counsel for the applicant submits that the applicant was on bail pending trial and even post his conviction, his sentence has been suspended. She submits that the applicant has not abused or misused the liberty granted to him. The Appeal has been admitted by a separate order passed today. The sentence awarded is a short term sentence and the appeal is not likely to come up for the hearing in the immediate near future.

5. 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.15,000/- with one or two sureties in the like amount;
- ii) The Applicant shall report to the trial Court, once in six 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.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.