

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1255 OF 2021
IN
CRIMINAL APPEAL NO. 367 OF 2021

Vijay Eknath Chorge	...Appellant
Versus	
State of Maharashtra	...Respondent

Mr. Kalpesh V. Patil for the Appellant.

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

CORAM : REVATI MOHITE DERE, J.
DATE : 23rd APRIL, 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 31/03/2021

passed by the learned Additional Sessions Judge, Satara in Sessions Case No.41 of 2016, has been convicted and sentenced as under:-

- for the offence punishable under Section 279 of the Indian Penal Code, to suffer rigorous imprisonment for 3 months and to pay fine of Rs.500/-, in default to undergo further simple imprisonment for 8 days;
- for the offence punishable under Section 304-II of the Indian Penal Code, to suffer rigorous imprisonment for 4 years and to pay fine of Rs.2,000/-, in default, to undergo further simple imprisonment for 1 months;
- for the offence punishable under Section 338 of the Indian Penal Code, to suffer rigorous imprisonment for 1 year and to pay fine of Rs.500/-, in default, to undergo further simple imprisonment for 8 days;
- for the offence punishable under Section 337 of the Indian Penal Code, to suffer rigorous imprisonment for 3 months and to pay fine of Rs.500/-, in default, to undergo further simple imprisonment for 8 days;

- for the offence punishable under Section 184 of the Motor Vehicles Act, 1988, to suffer rigorous imprisonment for 1 year and to pay fine of Rs.500/-, in default, to undergo further simple imprisonment for 8 days;
- for the offence punishable under Section 134(1)(a) & (b) of the Motor Vehicles Act, 1988, sentenced to pay fine of Rs.100/-, in default, to undergo further simple imprisonment for 2 days;

All the substantive sentences were directed to run concurrently.

4. It is not in dispute that the applicant was on bail, pending trial and that he has not abused or misused his liberty whilst on bail. The appeal has been admitted by a separate order passed today, in the aforesaid appeal. The maximum sentence imposed is 4 years. The sentence is a short term sentence and the appeal is not likely to be heard in the immediate near future. Even otherwise, arguable questions have been raised by the learned Counsel for the applicant.

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 released on cash bail in the sum of Rs.20,000/-, for a period of eight weeks;
- ii) The applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount;
- iii) 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;
- iv) 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;
- v) 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 accordingly disposed of.
7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.