

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1292 OF 2021
IN
CRIMINAL REVISION APPLICATION NO.118 OF 2021**

Gajanan Ramchandra Dattawade	...Applicant
V/s.	
The State of Maharashtra & Anr.	...Respondents

Mr. B. G. Tangsali i/b Mr. S. P. Thorat for Applicant.
Mr. Sooraj Hulke, APP for Respondent No.1 (State).

**CORAM : A. S. GADKARI, J.
DATE : 21st APRIL, 2021.**

P.C. :

1. This is an Application for suspension of sentence and releasing the Applicant on bail.
2. Heard Mr. Tangsali, learned Advocate for the Applicant and Mr. Hulke, learned APP for the Respondent No.1 – State.
3. The Applicant has been convicted under Section 376 read with Sections 511 and 354 of the Indian Penal Code (for short “I.P.C.”) and is sentence to suffer maximum rigorous imprisonment for two years and to pay total fine amount of Rs.3,000/-, by the learned 5th Asstt. Sessions Judge, Kolhapur, in Sessions Case No.162 of 1997, by its Judgment and Order dated 22nd April 1998.

The Criminal Appeal No.40 of 1998 preferred by the Applicant has been dismissed by the learned Additional Sessions Judge, Kolhapur, by

its Judgment and Order dated 30th March 2021.

4. Mr. Tangsali, 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, the Applicant was on bail during the pendency of trial, so also in the appeal and there is no report of breach of any of the condition imposed upon him. He further submitted that, on the date of pronouncement of the Judgment and Order dated 30th March 2021 by the Appellate Court, the Applicant has been taken into custody for undergoing sentence.

5. The sentence imposed upon the Applicant is a short-term sentence and the possibility of hearing of 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.

6. Hence the following order:-

- a) During the pendency of the present Revision Application, the substantive sentence imposed upon the Applicant is suspended.
- b) Applicant be released on bail in Sessions Case No.162 of 1997, on his furnishing PR bond of Rs.20,000/- with one or two local sureties in the like amount.

- (c) Applicant is permitted to furnish cash bail for a period of 16 weeks from today and during the said period, he shall comply with the condition of furnishing sureties.
- (d) 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 Shirol Police Station, District Kolhapur on every first Monday of the month between 10.00 a.m. and 12.00 noon.

After completion of one year and during the pendency of the present Revision Application, the Applicant shall attend Shirol Police Station, District Kolhapur on every first Monday of the every 3rd Month between 10.00 a.m. and 12.00 noon. The Applicant thus, shall attend Shirol Police Station, District Kolhapur, 4 times in a year.

- 7. Interim Application No.1292 of 2021 is allowed in the aforesaid terms.
- 8. All the concerned to act on the basis of an authenticated copy of this Order.

(A. S. GADKARI, J.)