

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1291 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 115 OF 2021

Sainath Alias Sai Daji Gawas	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr.Amogh Karandikar i/b. M/s. Khandeparkar & Associates for Applicant.
Mr. S.S. Hulke, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 21st April 2021.
(Through Video Conferencing)

PC. :

1. This is an application for suspension of sentence and releasing the Applicant on bail.
2. Applicant has been convicted under Section 403, 506(2) and 507 of the Indian Penal Code and is sentenced to suffer maximum simple imprisonment for 1 year and to pay a total fine of Rs.2,000/- by the learned Judicial Magistrate First Class, Sawantwadi in Regular Criminal Case No.12 of 2016 by its Judgment and Order dated 8th November 2017.

Criminal Appeal No.41 of 2017 filed by the Applicant has been dismissed by the learned Sessions Judge, Sindhudurg, Oros by its Judgment

and Order dated 18th March 2021.

3. Mr.Karandikar, learned counsel for the Applicant submitted that, the Applicant was released on bail during the pendency of trial so also the Appeal and there is no report of breach of any of the conditions imposed upon him. He, on instructions, submitted that, the Applicant has already deposited the entire fine amount in the Registry of the Trial Court. He further submitted that, on the date of pronouncement of the Judgment and Order by the Appellate Court i.e. on 18th March 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, the 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 R.C.C. No.12 of 2016 on his furnishing PR. bond of Rs.15,000/-, with one or two local sureties in the like amount.
- (iii) After his release from Jail and during the pendency of present Revision Application, initially for a period of one year, the Applicant shall attend Sawantwadi Police Station on every

first Monday between 10.00 a.m. and 12.00 noon.

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

(iv) If the Applicant commits two consecutive defaults in complying with condition condition No.(iii) above, in that event, the prosecution will be at liberty to file an Application for cancellation of bail.

6. Application is allowed in the aforesaid terms.
7. All the concerned to act on the basis of the authenticated copy of this Order.

[A.S. GADKARI, J.]