

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1290 OF 2021
IN
CRIMINAL APPEAL NO. 388 OF 2021

Lalu @ Lalsing Khemu Rathod	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Priyal G. Sarda for the Applicant.

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 15/03/2021

passed by the learned Additional Sessions Judge, Solapur in Sessions Case No.287 of 2019, has been convicted and sentenced as under :-

- for the offence punishable under Section 65 (f) of the Maharashtra Prohibition Act, to suffer simple imprisonment for 4 years;

4. Learned Counsel for the applicant submits that the applicant was on bail, pending trial. Learned APP submits that the applicant has been convicted in a similar case for three years i.e. for preparation of illegal liquor.

5. The applicant's appeal has been admitted by a separate order passed today in the aforesaid appeal. It appears that the applicant was involved in a similar case earlier and has also been convicted in the said case i.e. for preparing illegal liquor. The sentence imposed is a short term sentence and the appeal is not likely to be heard in the immediate near future. However, having regard to the antecedents of the applicant, it would be appropriate to impose stringent conditions on the applicant.

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.25,000/- with one or two local sureties in the like amount;
- ii) The applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his appeal is finally disposed of;
- iii) The applicant shall not indulge in a similar offence;
- 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.

7. The application is accordingly disposed of.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.