

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1315 OF 2021
IN
CRIMINAL APPEAL NO. 398 OF 2021

Riwal Kakdya Kale	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Wasim Samlewale for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.
DATE : 3rd MAY, 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 20/03/2021 passed by the learned Additional Sessions Judge, Sangli in Sessions Case No.99 of 2016, has been convicted and sentenced as under :-

- for the offence punishable under Section 395 of the Indian Penal Code to suffer rigorous imprisonment for 7 years and to pay fine of Rs.1,000/-, in default to undergo further simple imprisonment for 1 month.

4. Learned Counsel for the applicant submits that the grounds for convicting the applicant are not sustainable inasmuch as the applicant has not played any active role in the commission of the offence. He further submits that the applicant was only found standing near the Tata Sumo. He submits that there is no recovery at the instance of the applicant nor any Test Identification parade was held. He further submits that the applicant was on bail pending trial and that he has not abused or misused the liberty granted to him.

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 four 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 accordingly disposed of.

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

REVATI MOHITE DERE, J.