

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL INTERIM APPLICATION NO.1351 OF 2021****IN****CRIMINAL REVISION APPLICATION NO. 122 OF 2021**

Bajirao Namdev Bichkule

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Ritesh Thobde for the Applicant.

Mr. Amit Palkar, A.P.P for Respondent-State.

CORAM : A.S. GADKARI, J.**DATE : 3rd MAY 2021.****(Through Video Conferencing)****PC. :**

1. This is an application for suspension of sentence and releasing the Applicant on bail.

2. Applicant was convicted under Section 419, 420, 467 and 468 of the Indian Penal Code (for short, "*I.P.C.*") and was sentenced to suffer rigorous imprisonment for 3 years on each count and to pay a fine of Rs.1,000/-, by the learned Judicial Magistrate, First Class, Mangalwedha in R.C.C. No.44 of 1999 by its Judgment and Order dated 13th February 2009. The Trial Court had directed that, all the substantive sentences shall run concurrently.

Criminal Appeal No.2 of 2009 preferred by the Applicant has

been partly allowed by the learned Extra Joint Additional Sessions Judge, Pandharpur, by its Judgment and Order dated 2nd March 2021.

The Appellate Court has upheld the conviction and confirmed the sentence of Applicant under Section 467 of I.P.C., however has acquitted him for the offence punishable under Sections 419, 420 and 468 of I.P.C.

3. Mr.Thobde, learned counsel for the Applicant submitted that, the Applicant was on bail during the pendency of trial so also in 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 2nd 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. R.C.C. No.44 of 1999 on his furnishing P.R. bond of Rs.15,000/-, with one or two local sureties in the like amount.
 - (iii) Applicant is permitted to furnish cash bail for a period of 16 weeks from today and during the said period, the Applicant will have to comply with the condition of furnishing sureties.
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.]