

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 438 OF 2021
ALONGWITH
INTERIM APPLICATION NO. 1380 OF 2021

Raghunath Harishchandra Gholkar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Lalasaheb Bandal for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.
DATE : 7th 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 01/04/2021 passed by the learned Additional Sessions Judge, Sindhudurg in Sessions

Case No. 25 of 2019, has been convicted and sentenced as under :-

- for the offence punishable under Section 324 of the Indian Penal Code to suffer rigorous imprisonment for 2 years and to pay fine of Rs.8,000/-, in default to undergo further simple imprisonment for 1 month;

The applicant is, however, acquitted of the offence punishable under Sections 307 and 504 of the Indian Penal Code.

4. It is not in dispute that the applicant was on bail, pending trial and even post his conviction, his sentence is suspended. The appeal has been admitted by a separate order passed today in the aforesaid appeal. The sentence imposed is a short term sentence and the appeal is not likely to be heard in the immediate near future. It is also not in dispute that the applicant 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.10,000/- with one or two sureties in the like amount;
 - ii) The applicant shall report to the trial Court, once in six 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.