

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2525 OF 2021
IN
APPEAL NO. 859 OF 2021**

Pandurang Ankush Takmoge ..Applicant

v/s.

The State of Maharashtra. ..Respondent/s

Mr. Mohammed S. Mulla for the Appellant.
Mr. N.B.Patil, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 23rd NOVEMBER, 2021.**

P.C.

1. By this application, the Applicant has sought suspension of sentence and enlargement on bail. By the impugned judgment dated 15.09.2021 in Sessions Case No.167 of 2017 the learned Addl. Sessions Judge, Solapur has held the Applicant guilty of offence under Section 306 of IPC and sentenced him to undergo rigorous imprisonment for a term of four years with fine of Rs.2000/- in default to undergo rigorous imprisonment for 6 months.

2. Heard the learned Counsel for the applicant and the learned APP for the State. Perused the record and considered the

submissions advanced by the learned Counsels for the respective parties.

3. The records reveal that the applicant has been sentenced to undergo short term imprisonment of four years. The appeal is of the year 2021. Considering the large pendency of old cases and also the present situation arising from COVID 19, it will not be possible to take up the matter for final hearing in the near future. Moreover, the Appellant was on bail pending trial and has not misused his liberty.

4. Considering the above facts, in my considered view, this is a fit case to suspend the execution of sentence pending the disposal of the appeal. Hence the application is allowed on the following terms and conditions:-

- i) Substantive sentence imposed against the Applicant by judgment dated 15.09.2021 in Sessions Case No.167 of 2017 is suspended pending hearing of the appeal;
- ii) The Applicant is ordered to be released on bail on furnishing P.R. Bond in the sum of Rupees 15000/- (Rupee Fifteen Thousand Only) with one or two solvent sureties in the like amount, to the

satisfaction of the Trial Court;

iii) The applicant shall report to the Trial Court once in two months on the day/ date specified by the Trial Court, till the Appeal is finally disposed on;

(iv) The applicant shall keep the trial Court informed of his current address and mobile/contact numbers 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 application seeking cancellation of bail.

. Application is accordingly disposed of.

(ANUJA PRABHUDESSAI, J.)