

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

**INTERIM APPLICATION NO.2644 OF 2021
IN
CRIMINAL APPEAL NO.896 OF 2021**

Dildar Takdirkhan Soudagar

...Applicant

Versus

The State of Maharashtra

...Respondents

....

Mr. Rushikesh Kale i/b. Mr. Viresh Purwant for the Appellant.
Mr. S.V. Gavand, APP for Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 29th NOVEMBER, 2021.

P.C.:-

This is an application under Section 389 of the Code of Criminal Procedure, 1973 for suspension of substantive sentence imposed by judgment dated 05/10/2021 passed by the learned Additional Sessions Judge, Solapur, in Sessions Case No.16 of 2019 and to release the Applicant on bail.

2. By the impugned judgment, the co-accused have been convicted for offences punishable under Section 302 of the IPC, whereas the Applicant, who was accused No.2 in the said case has been held guilty of offence punishable under Section 201 r/w 34 of the IPC. He has been sentenced to undergo rigorous imprisonment for five years

with fine of Rs.1,000/- i/d. to undergo further imprisonment for 1 month.

3. It is stated that till date co-accused have not filed an appeal against conviction and sentence. The sentence against the Applicant is a short term imprisonment. The Appeal is admitted. Considering the large pendency of the cases and the present situation arising from Covid-19 pandemic, final hearing of the appeal will take considerable time. Moreover, the Applicant was on bail, pending trial and has not misused the liberty.

4. In view of the above and also considering the nature of accusations against the Applicant, this is a fit case for suspension of substantive sentence pending disposal of the appeal. Hence, the application is allowed on following terms and conditions:-

- (i) The substantive sentence imposed on the Applicant vide judgment dated 05/10/2021 in Sessions Case No.16 of 2019 is suspended pending disposal of the appeal;
- (ii) The Applicant is ordered to be released on bail on furnishing bail bonds in the sum of Rs.15,000/- with one or two sureties in the like amount;

- (iii) The Applicant shall report to the Trial Court, once in three months on the day/date specified by the Trial Court, till the appeal is finally disposed of.
- (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.

5. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)