

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION (ST) NO. 1656 OF 2021
IN
CRIMINAL APPEAL (ST) NO. 1655 OF 2021**

Mangesh G. Mahanawar

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Neha Patil a/w Mr. Ganesh Chavan for the Applicant.

Mr. A.R.Patil, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 29th JANUARY, 2021

P.C. :

1. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.

2. The applicant vide judgment and order dated 05/02/2020 passed by the Additional Sessions Judge, Pune in Sessions Case No.635 of 2011 has been convicted and sentenced as under :

- for the offence punishable under Section 363 r/w 34 of the Indian Penal Code to suffer rigorous imprisonment for one year and to pay fine of Rs.1000/-, in default, to suffer simple imprisonment for 15 days; and

- for the offence punishable under Section 366 r/w 34 of the Indian Penal Code, to suffer simple imprisonment for three years and to pay fine of Rs.1000/-, in default, to suffer simple imprisonment for one month.

3. The applicant's appeal has been admitted today by a separate order passed in the aforesaid appeal. It is not in dispute that the applicant was on bail pending trial and post his conviction, his sentence has been suspended, enable him to file an appeal. The sentence imposed is a short term sentences. It is not in dispute that the applicant has not abused or misused the liberty granted to him and the appeal is not likely to come up for hearing in the immediate near future.

4. 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.20,000/- (Rupees Twenty Thousand only) with one or two local sureties in the like amount;
- ii) The Applicant shall report to the trial Court, once in

three 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.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.