

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 112 OF 2019
IN
CRIMINAL APPEAL NO. 1496 OF 2018

Himmatsing Tarasing @ Katewadising

Kalani

.....Applicant

V/s.

The State of Maharashtra

....Respondent

* * * *

Mr. Ajaykumar B. Rai, advocate for the applicant.

Mrs. Sharmila Kaushik, APP for State.

API, Anil Survase- Crime Branch, Wagle Unit, Thane
present.

CORAM : SANDEEP K. SHINDE, J.

Wednesday, 17th February, 2021.

P.C. :

1. Heard learned Counsel for the applicant and
learned APP for State.

2. It is an application under Section 389(1) of
the Criminal Procedure Code, 1973 seeking suspension of

substantive sentence of rigorous imprisonment for seven years imposed on the applicant for an offence punishable under Section 395 of the Indian Penal Code in Sessions Case No.411/2012.

3. Suspension is sought on the ground that, the applicant has undergone a sentence of 4 years 9 months and 7 days out of 7 years.

4. Learned APP has placed on record a report from the Superintendent, Kolhapur Central Jail and marked 'X' for identification. It shows that, the applicant has undergone a sentence for 4 years, 9 months and 7 days. Additionally, criminal appeals of 2010 onwards, are pending for final hearing. As such, subject appeal is not likely to be heard in reasonable time.

5. In view of the facts aforesaid, the substantive sentence awarded in Sessions Case No.411/2012 by the Additional Sessions Judge-II, Thane is suspended and the applicant is directed to be released on bail subject to following conditions :

O R D E R

(i) The applicant arrested in Crime No. I-443/2011 registered at Kapurbawdi Police Station, Thane, be released on bail on executing P.R. bond for the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report once in a month to the concerned Police Station i.e. on second Monday of each month commencing from March, 2021 till the Appeal is heard.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith within a week of his release from jail.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the

complainant, witnesses or any person concerned with the case.

6. The application is accordingly allowed and disposed off.

7. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.

Neeta
S.
Sawant

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Neeta S.
Sawant
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(Sandeep K. Shinde, J.)