

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
INTERIM APPLICATION NO. 527 OF 2021  
IN  
CRIMINAL APPEAL NO. 148 OF 2021**

|                           |               |
|---------------------------|---------------|
| Jitendra Bapu Suryavanshi | ...Applicant  |
| Versus                    |               |
| State of Maharashtra      | ...Respondent |

Mr. Wasim N. Samlewale for the Applicant.

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

**CORAM : REVATI MOHITE DERE, J.**  
**DATE : 17<sup>th</sup> MARCH, 2021**

**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 aforesaid appeal.
3. The applicant, vide judgment and order dated 02/02/2021

passed by the learned Additional Sessions Judge and District Judge – 1, Islampur, District Sangli, in Sessions Case No. 73 of 2016 has been convicted and sentenced as under :

- for the offence punishable under Section 307 of the Indian Penal Code to suffer rigorous imprisonment for 7 years and to pay fine of Rs.1,000/-, in default to undergo further simple imprisonment for 2 months;
- 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.500/-, in default, to undergo further simple imprisonment for 1 month;
- for the offence punishable under Section 506 of the Indian Penal Code to suffer rigorous imprisonment for 2 years and to pay fine of Rs.500/-, in default, to undergo further simple imprisonment for 1 month;

All the substantive sentences are directed to run concurrently.

4. Learned Counsel for the applicant submits that the applicant has undergone about 4 years 6 months of imprisonment till date. He submits that the applicant was granted interim COVID bail and that during

the said period, the applicant has neither abused or misused the liberty granted to him. He further submits that the injuries sustained by the two injured i.e. PW-1 and PW-4 are all CLWs, not possible with scythe. He submits that although the applicant is alleged to have assaulted the injured with a scythe, the medical evidence shows that the injuries were caused by a hard and blunt object. He submits that the offence, if any, would not be one under Section 307 of the Indian Penal Code, but a lesser offence.

5. Learned APP does not dispute the fact that the applicant is in custody for 4 years 6 months. The appeal has been admitted by a separate order dated 17/02/2021, passed in the aforesaid appeal. The sentence awarded is a short term sentence. Even otherwise, the applicant has undergone more than 4 ½ years of imprisonment, the appeal is not likely to be heard in immediate near future.

6. 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.15,000/- with one or two 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.

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

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

**REVATI MOHITE DERE, J.**