

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 723 OF 2021
IN
CRIMINAL APPEAL NO. 207 OF 2021
WITH
CRIMINAL APPEAL NO. 207 OF 2021

Sunil Bhaskar Anarthe

...Applicant/Appellant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Vagal for the Applicant.

Mrs. M.M. Deshmukh, APP, for the Respondent – State.

CORAM : PRASANNA B. VARALE &
SURENDRA.P. TAVADE, JJ.

DATE : APRIL 29, 2021.

PER COURT :

1. By way of present Application, applicant prayed for suspension of sentence and his enlargement on bail pending appeal.

2. It was submitted before this Court that Applicant – Sunil Anarthe had already undergone the sentence awarded to him. Accordingly, by order dated 22nd March, 2021, Division bench of this Court was pleased to grant time to the learned APP so as to seek report from the jail authorities. On 20th April, 2021 an adjournment was sought for at the instance of learned APP on

the ground that she was awaiting instructions. Hence, the matter was adjourned today.

3. Learned APP invited our attention to a statement submitted to the office of Public Prosecutor through the prison Authority i.e., Superintendent of Prison, Kolhapur Central Jail, Kalamba, Kolhapur in a form of tabular details. The same is taken on record and marked as “X” for identification.

4. Perusal of the statement show that the applicant had undergone his entire sentence and is behind bars for a period of 9 years, 5 months and 9 days. It is admitted position that applicant failed to deposit the fine amount and as such he had also suffered default imprisonment of one year. Learned APP submitted before this Court that the State has preferred an appeal for enhancement of sentence challenging the judgment and order passed by the Special Judge and Additional Sessions Judge, Nashik in Special MCOC Case No. 01/2013. The appeal preferred by the State is admitted.

5. Learned Counsel, Mr. Vagal appearing for the Applicant submitted that as the appellant had undergone entire sentence and keeping him behind bars for further period only on the ground the State has preferred the appeal would cause the serious prejudice to the applicant. He prayed for

release of the applicant on bail till admission or any order being passed by this Court in the Appeal preferred by the State. He submitted that by releasing the application on bail no prejudice would cause to the applicant at this stage as the appellant had already undergone the entire sentence.

6. We find considerable merit in the submissions of learned Counsel, Mr. Vagal. In view of these facts, the applicant – Sunil Anarthe is ordered to be released on his executing PR bond of Rs. 25,000/- with surety bond in like amount till disposal of this appeal. The applicant – Sunil Anarthe is allowed to deposit Rs. 25,000/- in lieu of surety with direction to submit surety within eight weeks from today. On furnishing surety, the applicant – Sunil Anarthe is entitled to refund the cash surety. Bail at trial Court.

7. Post the Criminal Appeal No. 406/2019 along with Criminal Appeal No. 207 of 2021, in due course.

(SURENDRA.P. TAVADE, J.)

(PRASANNA B. VARALE, J.)