

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

***INTERIM APPLICATION NO. 803 OF 2021
(For Suspension of Sentence)
IN
CRIMINAL APPEAL NO. 204 OF 2021***

Pranav Suresh Vadecha (Vadhecha) ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Rushikesh Kale i/b Mr. V. V. Purwant for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent No.1–State

None for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 11th 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 the appeal.

3 The applicant vide judgment and order dated 15th February 2021, passed by the learned District Judge-2 and Additional Sessions Judge, Thane, in Sessions Case No. 393/2013, has been convicted and sentenced as under:-

- for the offence punishable under Section 417 of the Indian Penal Code, to suffer rigorous imprisonment for 6 months and to pay fine of Rs.30,000/- in default, to suffer further rigorous imprisonment for 2 months.

Out of the said fine amount of Rs. 30,000/-, Rs. 25,000/- was to be paid to the prosecutrix towards the expenses incurred in prosecution and the balance Rs. 5,000/- to be credited to the State.

The applicant has, however, been acquitted of the offence punishable under Sections 376 and 328 of the Indian Penal Code.

4 It is not in dispute that the applicant was on bail pending trial and that his sentence has been suspended post his conviction. It is also not in dispute that whilst on bail, the applicant has not abused or misused the

liberty granted to him. The appeal has been admitted by a separate order passed today and the same is not likely to come up for hearing in the immediate near future. The sentence awarded is a short term sentence.

5 Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and the applicant is enlarged on bail, pending the hearing and final disposal of the 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.25,000/-, with one or two sureties in the like amount;
- ii) The applicant shall report to the trial Court, once in four months on the day/date specified by the trial Court, till their 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.

6 The application is disposed of in the aforesaid terms.

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

REVATI MOHITE DERE, J.