

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL I.A. NO. 827 OF 2021
IN
CRIMINAL APPEAL NO. 214 OF 2021**

Manoj Sanjay Jadhav

....Applicant.

Vs.

The State Of Maharashtra & Anr.

....Respondents.

Mr. Kedar Patil for the Applicant.

Mr. A.R. Patil, APP for the Respondent No.1-State.

**CORAM : A. S. GADKARI, J.
DATE : 22nd MARCH, 2021.****PC.:-**

Leave to amend prayer clause, granted. Amendment be carried out forthwith.

2 This is an Application for suspension of sentence and releasing the Applicant on bail.

3 Heard Mr. Kedar Patil, learned Advocate for the Applicant and Mr. Patil, learned APP for the Respondent-State.

4 The Applicant is Original accused No.1. The Applicant is convicted under Section 323 read with Section 34 of the Indian Penal Code and under Sections 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short, '*the S.C.S.T. Act*') and is sentenced to suffer maximum rigorous imprisonment for 2 years and to

pay total fine amount of Rs.6,000/-, by the learned Additional Sessions Judge and Special Judge under S.C. & S.T. (Prevention of Atrocities) Act, Ichalkaranji, District Kolhapur in Atrocity Special Case No.2 of 2019, by its Judgment and Order dated 6th February, 2021.

5 Learned counsel for the Applicant, on instructions, submitted that, the Applicant has already deposited entire fine amount in the Registry of the Trial Court. He further submitted that, the Applicant has been released on bail by the Trial Court by its Order dated 6th February, 2021 to enable him to prefer an Appeal before this Court. He submitted that, during the pendency of the Trial, the Applicant was released on bail and there is no report of breach of any conditions imposed upon him.

6 The sentence imposed upon the Applicant is a short term sentence and the possibility of hearing of the present Appeal on its own merits in near future is remote, in view thereof, the sentence imposed upon the Applicant can be suspended and he can be released on bail.

Hence the following Order:-

- a) During the pendency of the present Appeal, the substantive sentence imposed upon the Applicant is suspended.
- b) Applicant be released on bail in Atrocity Special Case No.2 of 2019, on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

- c) The Applicant shall attend Hatkanagale Police Station, District Kolhapur on every first Monday of the month between 10.00 a.m. and 12.00 noon, initially for a period of one year.

After completion of one year, the Applicant shall attend Hatkanagale Police Station, District Kolhapur on every first Monday of the every 3rd Month between 10.00 a.m. and 12.00 noon. The Applicant thus, shall attend Hatkanagale Police Station, District Kolhapur, 4 times in a year during the pendency of the present Appeal.

- d) If the Applicant commits two consecutive defaults in complying with condition No.(c) above, in that event, the prosecution will be at liberty to file an Application for cancellation of bail.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

Sanjiv S.
Mashalkar

Digitally signed by
Sanjiv S. Mashalkar
Date: 2021.03.24
17:47:14 +0530