

Tandale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL INTERIM APPLICATION NO.1004 OF 2021

IN

CRIMINAL REVISION APPLICATION NO. 80 OF 2021

Bharat Suresh Mali

.... Applicant.

Vs.

The State of Maharashtra

.... Respondent.

Mr. Gaurav Parkar a/w Mr. Shantanu Kadam for the Applicant.

Mr. Amit Palkar, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 19th MARCH, 2021.

PC.:-

1. This is an application for suspension of sentence and releasing the applicant on bail.

2. Applicant has been convicted under Sections 354, 452, 323 and 506 of the Indian Penal Code and is sentenced to suffer maximum rigorous imprisonment of two years and to pay a total fine of Rs.31,000/- by the learned Judicial Magistrate First Class, Murud, Dist. Raigad in Regular Criminal Case No. 09 of 2013 by its Judgment and Order dated 2nd August 2013.

Criminal Appeal No.153 of 2013 preferred by the applicant has been turned down by the learned Additional Sessions Judge, Raigad-Alibag by its Judgment and Order dated 1st February 2020.

3. Mr. Parkar, 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, during the pendency of the trial, so also in Appeal, the applicant was on bail and there is no report of breach of any of the conditions. He submitted that, the conviction warrant issued against the applicant has been executed on 12th March 2021 and the applicant has been sent to Jail for undergoing sentence.

4. The sentence imposed upon the applicant is a short term sentence. Possibility of hearing the present Revision Application on its own merits in near future is remote. In view thereof, the sentence imposed upon the applicant can be suspended and the applicant can be released on bail.

5. Hence, the following Order :-

- (i) During the pendency of the present Criminal Revision Application, the substantive sentence imposed upon the applicant is suspended.
- (ii) Applicant be released on bail in Regular Criminal Case No.9 of 2013 on his furnishing P.R. bond of Rs.10,000/- with one or two local sureties in the like amount.
- (iii) Applicant be released on cash bail for a period of 10 weeks from today and during the said period, the applicant is directed to comply with the procedure of furnishing sureties.

- (iv) After his release from Jail and during the pendency of the present Application, the applicant shall attend Murud Police Station, Dist. Raigad on every first Monday of the month between 10:00 am and 12:00 noon initially for a period of one year.

After end of one year, the applicant shall attend Murud Police Station on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The applicant thus shall attend Murud Police Station 4 times in a year during the pendency of the present Application.

6. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)