

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1001 OF 2021
IN
CRIMINAL APPEAL NO. 94 OF 2021**

Shrikant Keshav Wakode
Versus
State of Maharashtra

...Applicant
...Respondent

Mr. Nitin Sejpai for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.
DATE : 30th 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 appeal.
3. The applicant, vide judgment and order dated 07/09/2020

passed by the learned Additional Sessions Judge, Thane in Sessions Case No.356 of 2018, has been convicted and sentenced as under :-

- for the offence punishable under Section 394 r/w 397 of the Indian Penal Code to suffer rigorous imprisonment for 7 years and to pay fine of Rs.2,000/-, in default to undergo further rigorous imprisonment for 2 months;
- for the offence punishable under Section 201 of the Indian Penal Code to suffer rigorous imprisonment for 1 year and to pay fine of Rs.1,000/-, in default, to undergo further rigorous imprisonment for 1 month;
- for the offence punishable under Section 192 of Motor Vehicle Act, to pay fine of Rs.2,000/-, in default, to undergo further simple imprisonment for 15 days;

All the substantive sentences were directed to run concurrently.

4. Learned Counsel for the applicant submits that the applicant is in custody since 16/03/2018 i.e. for more than 3 years. He submits that the applicant has no antecedents and that the appeal is not likely to be heard in the immediate near future.

5. The appeal has already been admitted by a separate order passed on 18/02/2021. The sentence awarded is a short term sentence and even otherwise, the applicant has been in custody for more than 3 years i.e. from 16/03/2018 till date. The applicant has no antecedents. The appeal is not likely to be heard in the 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.25,000/- with one or more 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 accordingly disposed of.

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

REVATI MOHITE DERE, J.