

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

***CRIMINAL INTERIM APPLICATION NO. 1000 OF 2021
IN
CRIMINAL APPEAL NO. 265 OF 2021***

Nilesh Ashok Sonawane ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Aniket Vagal for the Applicant

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 25th 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 14th February 2020 passed by learned Additional Sessions Judge-4, Nashik, in Sessions Case No. 179 of 2017, has been convicted and sentenced as under:-

- for the offence punishable under Section 392 of the Indian Penal Code, to suffer rigorous imprisonment for 7 years and to pay fine of Rs.10,000/-, in default of payment of fine, to undergo simple imprisonment for 2 months;
- for the offence punishable under Section 397 of the Indian Penal Code, to suffer rigorous imprisonment for 7 years;
- for the offence punishable under Section 506 of the Indian Penal Code, to suffer rigorous imprisonment for 1 year;

The aforesaid sentences were directed to run concurrently.

4 Learned counsel for the applicant submits that the maximum sentence imposed is 7 years and that out of the 7 years, the applicant is in custody for the last 4½ years. He submits that the applicant has undergone about 3/4th of the sentence imposed on him. On merits, he submits that PW 1, who was allegedly robbed, has not identified the applicant in Court and that infact, PW 1 has stated that the person present in Court is not the same person.

5 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.15,000/- 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 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.

- 6 The application is disposed of accordingly.
- 7 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.