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

***CRIMINAL INTERIM APPLICATION NO.1091 OF 2021
IN
CRIMINAL APPEAL NO.299 OF 2021***

Mahadev Nana Salve	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Govind B. Dade, for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 31st 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 aforesaid appeal.
3. The applicant vide Judgment and Order dated 3rd March 2021, passed by learned Additional Sessions Judge, Pune, in Sessions Case No. 99 of 2015, has been convicted and sentenced as under:-
 - for the offence punishable under Section 304 Part-II of the Indian

Penal Code, to suffer rigorous imprisonment for 3 years and to pay fine of Rs.3,000/- in default, to undergo simple imprisonment for 1 month.

4. Learned Counsel for the applicant submits that the deceased had assaulted the applicant with a knife, pursuant to which the incident took place. He submits that the applicant has also examined a defence witness i.e. the applicant's father who had witnessed the incident of assault on the applicant.

5. The Appeal preferred by the applicant has been admitted by a separate order passed today and the same is not likely to come up for the hearing in the immediate near future. The sentence awarded is a short term sentence. It is not in dispute that the applicant was on bail pending trial and post his conviction his sentence has been suspended.

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.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.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.