

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1139 OF 2021

WITH

INTERIM APPLICATION NO. 1085 OF 2021

IN

CRIMINAL REVISION APPLICATION NO. 86 OF 2021

Anjum Akil Burondkar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.G.K. Jadhav for Applicant.

Mr.A.R. Patil, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 30th March 2021.

PC. :

These are applications for suspension of sentence and releasing the applicant on bail.

2. The applicant was convicted under Section 454, 457, 380 of the Indian Penal Code and was sentenced to undergo maximum simple imprisonment for 1 year of each count and to pay a fine of Rs.5,000/- on each count by the learned Judicial Magistrate First Class, Dapoli, in R.C.C. No.89 of 2013 by its Judgment and Order dated 29th June 2015. The Trial Court had directed that, all the sentences shall run concurrently.

Criminal Appeal No.15 of 2015 preferred by the applicant has been partly allowed by the learned Additional Sessions Judge, Khed, District Ratnagiri by its Judgment and Order dated 18th March 2021. The Appellate Court has acquitted the applicant for the offence punishable under Section 457 of the Indian Penal Code, however has maintained rest of the part of Judgment and Order passed by the Trial Court.

3. Learned counsel for the applicant submitted that, the applicant has already deposited entire fine amount in the Registry of the Trial Court. He submitted that, during the pendency of the trial so also in the appeal, the applicant was released on bail and there is no report of breach of any of the conditions. He further submitted that, the applicant has been taken into custody for undergoing sentence on the date of pronouncement of Judgment by the Appellate Court.

4. The sentence imposed upon the applicant is a short term sentence. The possibility of hearing the present Revision 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.

5. Hence, following order :-

- (i) During the pendency of the present Revision, the substantive sentence imposed upon the Applicant is suspended.

- (ii) The Applicant be released on bail in R.C.C. No.89 of 2013 on his furnishing P.R. bond of Rs.15,000/- with one or two local sureties in the like amount.
- (iii) After his release from Jail and during the pendency of the present Appeal, the applicant shall attend Dapoli Police Station 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 Dapoli Police Station on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The applicant thus shall attend Dapoli Police Station 4 times in a year during the pendency of the present Appeal.

6. Both the Applications are allowed in the aforesaid terms.

[A.S. GADKARI, J.]