

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

**INTERIM APPLICATION NO.1139 OF 2020
AND
INTERIM APPLICATION NO.1140 OF 2020
IN
CRIMINAL APPEAL NO.369 OF 2020**

Sudhir Krishna Gamare

.. Applicant/Appellant

Versus

State of Maharashtra

.. Respondent

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Mr.Himneel Borse i/b. Mr.Sachin B. Chavan, Advocate for the
Applicant/Appellant.

Mr.S.R. Agarkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 7, 2021.

P.C. :

These are applications for suspension of sentence and grant of bail. The applicant Is convicted for the offence punishable under Section 353 of Indian Penal code ("IPC", for short) and sentenced to suffer simple imprisonment for one year and to pay fine of Rs.10,000/-. The applicant is also convicted for the offence punishable under Sections 504 and 506 of IPC and sentenced to pay fine of Rs.5,000/-, on each count. The applicant

has been acquitted for the offence punishable under Section 332 of IPC and Section 85(1)(2) of Bombay Prohibition Act.

2 The Appeal preferred by the applicant is admitted and it is pending for final disposal. The learned counsel for the applicant submitted that the applicant was on bail during the trial. He has not misused the facility of bail. The applicant was police patil at the relevant time, and, there is animosity between the applicant and the complainant. Although, it is alleged that the applicant has consumed liquor, the blood test did not support the prosecution case. The evidence of the witnesses does not inspire confidence. There are discrepancies in the evidence. The applicant has been acquitted by the trial Court for the offence punishable under Section 85(1) (2) of the Bombay Prohibition Act.

3 Learned APP submitted that the applicant is convicted for the aforesaid offence. The trial Court has analysed the evidence while convicting the applicant/appellant.

4 The sentence awarded is of short term. The maximum sentence imposed is imprisonment for one year. Appeal may not come up for hearing within short span of time. The applicant has

urged that the judgment of the trial Court is required to be set aside on account of discrepancies in the evidence. The merits of the Appeal would be decided at appropriate stage. The applicant was on bail during the trial. Hence case for suspension of sentence and grant of bail is made out.

:: ORDER ::

- (i) Interim Application Nos.1139 and 1140 of 2020, are allowed;
- (ii) Pending the hearing and final disposal of Appeal No.369 of 2020, the sentence of imprisonment awarded by the learned Additional Sessions Judge, Ratnagiri, in Sessions Case No.21 of 2019, vide judgment and order dated 12th February, 2020, is suspended and the applicant is directed to be released on bail on executing P.R.Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall deposit the fine amount within eight weeks from today;

- (iv) Interim Application Nos.1139 and 1140 of 2020,
stand disposed of accordingly.

(PRAKASH D. NAIK, J.)