

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

**INTERIM APPLICATION NO. 1240 OF 2020
IN
CRIMINAL APPEAL NO.397 of 2020**

Sanjay Trymbak Tangade	... Applicant /Appellant
Versus	
The State of Maharashtra	... Respondent

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Mr. Rohan P. Surve i/by Mr. Kadar S. Solanky, Advocate for the Applicant/Appellant.
Mr. Y. Y. Dabake, APP for the Respondent – State.
Mr. Kirankumar Ashok Kadam, (P.S.I.) Bhayandar Police Station, Present.

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CORAM	:	PRAKASH D. NAIK, J.
DATE	:	18th AUGUST, 2021.

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal No.397 of 2020 preferred by the applicant challenging the Judgment and order dated 29th February, 2020 passed by the learned Additional Sessions Judge, Thane, convicting the applicant for offences under Sections 498-A and 306 of Indian Penal Code. The applicant has been sentenced to undergo rigorous imprisonment for one year and three years respectively for both offences.

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2. Learned Advocate for the applicant on instructions submits that pursuant to the Judgment of conviction, the trial Court had suspended the sentence for a temporary period to enable the applicant to prefer appeal against the Judgment of conviction. The applicant was set at liberty. On instructions it is further submitted that the applicant has surrendered and he has been taken in custody today. It is submitted that the applicant was on bail during trial. He has not misused the facility of bail. The applicant has good case on merits. There are discrepancies in the evidence of the prosecution. The appeal would not come up for hearing immediately. Considering the sentence imposed by the trial Court, the applicant be released on bail by suspending the sentence of imprisonment.

3. Learned APP submitted that, although the applicant was on bail during trial, now he has been convicted for offences under Sections 498-A and 306 of Indian Penal Code.

4. In the appeal challenging the Judgment of conviction from the appellant has urged several grounds challenging the Judgment of conviction. The appellant was on bail during the trial. It is not reported that the he had misused the facility of bail. The maximum punishment imposed by the trial Court on conviction is

three years imprisonment. The appeal may not come up for hearing within short span of time. Considering these aspects, the sentence of imprisonment can be suspended and bail can be granted to the applicant.

5. Hence, I pass the following order:

ORDER

- (i) Interim Application No. 1240 of 2020 is allowed;
- (ii) Sentence of imprisonment awarded vide Judgment and order dated 29th February, 2020 passed by learned Additional Sessions Judge, Thane in Sessions Case No. 366 of 2018 is suspended and the applicant is directed to be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the trial Court once in six months during the pendency of appeal;
- (iv) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of twelve weeks in lieu of surety.
- (v) Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)