

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1548 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 132 OF 2021

Rajaram Gotiram Raut	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr.Arun Rajput for Applicant.
Smt.Rutuja Ambekar, A.P.P for Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 16th June 2021.
(Through Video Conferencing)

PC. :

Leave to amend prayer Clause to incorporate prayer for 'Suspension of Sentence'. Amendment be carried out during the course of the day itself.

2. This is an application for suspension of sentence and releasing the Applicant on bail.

3. Applicant has been convicted under Section 354 and 323 of the Indian Penal Code and is sentenced to suffer maximum rigorous imprisonment for 1 year and to pay a total fine of Rs.3,500/- by the learned Judicial Magistrate First Class, Bhiwandi, in R.C.C. No.1058 of 2016 by its Judgment

and Order dated 27th September 2017.

Criminal Appeal No.128 of 2017 preferred by the Applicant has been dismissed by the learned Additional Sessions Judge, Thane by its Judgment and Order dated 20th April 2021.

4. Mr.Rajput, learned counsel for the Applicant submitted that, during the pendency of the trial so also in appeal, the Applicant was released on bail and there is no report of breach of any of the condition. He further on instructions submitted that, the Applicant has already deposited entire fine amount.

5. The sentence imposed upon the Applicant is a short term sentence and 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.

6. Hence, following order :-

- (i) During the pendency of the present Revision, the substantive sentence imposed upon the Applicant is suspended.
- (ii) Applicant be released on bail in R.C.C. No.1058 of 2016 on his furnishing P.R. bond of Rs.10,000/- with one or two local sureties in the like amount.
- (iii) For a period of 16 weeks from today, the Applicant is permitted to furnish cash bail and during the said period of 16 weeks, the Applicant will comply with

the condition of furnishing sureties.

- (iv) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (v) Applicant shall not contact the prosecutrix and/or threaten her during the pendency of the present Revision.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]