

4. The applicant has been convicted by the learned Additional Chief Metropolitan Magistrate, 31st Court, Vikhroli, Mumbai, in C.C. No.909/PW/2012, vide Judgment and Order dated 23rd January 2017, for the offence punishable under Section 498-A r/w 34 of the Indian Penal Code, and has been sentenced to suffer rigorous imprisonment for 1 year and to pay fine of Rs.500/-, in default of payment of fine, to suffer simple imprisonment for 10 days and for the offence punishable under Section 504 r/w 34 of the Indian Penal Code, he has been sentenced to suffer imprisonment till rising Court and to pay fine of Rs.500/-, in default of payment of fine, to suffer simple imprisonment for 07 days. The applicant was however acquitted of the offences punishable under Sections 323, 406 r/w 34 of the Indian Penal Code. The said Judgment and Order was confirmed by the learned Additional Sessions Judge and Special Judge under MCOC Act, Greater Mumbai in Criminal Appeal No.126 of 2017, vide Judgment and Order dated 6th July, 2021.

5. Learned Counsel for the applicant states that the applicant was on bail pending trial as well as during the pendency of his Revision Application and that he has not misused or abused the conditions of bail. Learned Counsel for the applicant submits that the trial Court acquitted

some of the accused and the Sessions Court acquitted the other accused, except the applicant No.1 She submits that the even the case of the accused was more or less identical. She further submits that the learned Sessions Judge had disbelieved the allegations of demand of Rs.5 lakhs by the accused. She submits that the applicant has a good case on merits.

6. Perused the papers. The applicant has made out a an arguable case, pursuant to which the Revision Application has been admitted by a separate order passed today. It is not in dispute that the applicant was on bail pending trial as well as during the pendency of his Revision Application in the Sessions Court and that he has not misused or abused the conditions of bail.

7. Considering the aforesaid, the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Revision, on the following terms and conditions :

ORDER

- i) The Applicant be released on cash bail in the sum of Rs.20,000/-, for a period of eight weeks;

- ii) The Applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- iii) The Applicant shall report to the Sessions Court, once in six months on the day/date specified by the Sessions Court, till his Revision is finally disposed of;
- iv) The Applicant shall keep the Sessions Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;
- v) If there are two consecutive defaults in appearing before the Sessions 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.

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

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

REVATI MOHITE DERE, J.