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

***CRIMINAL INTERIM APPLICATION NO.1531 OF 2020
IN
CRIMINAL APPEAL NO.1075 OF 2019***

Lakhya@ Rakesh Mangal Pawar ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Anjali Patil, for the Applicant.

Mr. S. V. Gavand, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th JANUARY, 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.
3. The applicant vide Judgment and Order dated 9th July, 2019, passed by learned Additional Sessions Judge, Kalyan, in Sessions Case No.179 of 2014, has been convicted and sentenced as under:-
 - for the offence punishable under Section 304 (I) r/w Section 34 of

the Indian Penal Code, to suffer rigorous imprisonment for 10 years and to pay fine of Rs.25,000/- in default, to suffer simple imprisonment for 6 months ;

- for the offence punishable under Section 324 r/w 34 of the Indian Penal Code, to suffer rigorous imprisonment for 3 years and to pay fine of Rs.5,000/- in default, to suffer simple imprisonment for 1 month.

4. Perused the papers. The applicant is in custody since 7th April 2014 and as such undergone about more than 6 ½ years in jail. It appears that similarly placed co-accused – Krushna Pawar has been enlarged on bail by this Court (Coram: Prakash D. Naik, J.), vide order dated 9th December, 2020. Learned APP does not dispute the fact that the applicant's role is similar to that of co-accused – Krushna Pawar. As noted above, the applicant is in custody for about more than 6 ½ years out of the 10 years rigorous imprisonment imposed on him. The appeal although admitted in 2019, the paper book is not ready, till date.

5. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :-

ORDER

i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

ii) The Applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his Appeal is finally disposed of;

iii) The Applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

iv) If there are two consecutive defaults in appearing before the trial 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.

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

7. All concerned to act on the copy of this order, digitally signed by the Private Secretary of this Court.

REVATI MOHITE DERE, J.