

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (APPA) NO. 152 OF 2021
IN
CRIMINAL APPEAL NO. 104 OF 2021

Harimohan Pujari Haldar

Vs.

The State of Maharashtra, Through P.S.O., Police Station Aheri, Dist. Gadchiroli.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri R.H. Rawlani, Advocate for the appellant/applicant.
Shri I.J. Damle, A.P.P for respondent/State

CORAM :- N.B.SURYAWANSHI, J.

DATED :- 10/03/2021

1. The applicant is convicted for the offence punishable under Section 307 of the Indian Penal Code and is sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.2000/-. He is also convicted for the offence punishable under Section 353 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.500/-. He is further convicted for the offence punishable under Section 427 of the Indian Penal Code and is sentenced to undergo rigorous imprisonment for two years and to pay a fine 500/-. He is also convicted for the offence 279 of the Indian Penal Code and is sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.500/-. He is also convicted for offence punishable under Section 65(e) of the Maharashtra Prohibition Act and is sentenced to

undergo rigorous imprisonment for three years and to pay a fine of Rs.25,000/-. He is also convicted for offence punishable under Section 179 read with Section 132 (a) of the Motor Vehicle Act and is sentenced to undergo simple imprisonment for one month and to pay a fine of Rs.100/-. He is also convicted for offence punishable under Section 184 read with Section 177 of the Motor Vehicle Act and is sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.500/-. Substantive sentence imposed is of five years

2. He was on bail during the trial and he had not misused the bail facility. He prays for suspension of jail sentence by this application.

3. Heard the learned Advocate for the applicant and learned Additional Public Prosecutor for the State. The Additional Public Prosecutor pointed out the reply filed by him wherein, it is stated that the applicant has criminal antecedents and three offences are registered against him. Therefore, he opposed the grant of bail to the applicant.

4. The learned Advocate for the applicant states that in all the three cases mentioned in the affidavit-in-reply, the applicant is acquitted. He placed reliance on the copy of online record of the said three cases.

5. Taking into consideration the fact that the jail sentence for a short term is imposed on applicant

and he was on bail during the pendency of trial before the learned Trial Court and now that he is acquitted in all the pending cases, the applicant deserves to be released on bail.

6. Criminal application No. 152 of 2021 is therefore allowed. The substantive jail sentence of imprisonment imposed on the applicant by the impugned judgment is hereby suspended. The applicant is directed to be released on bail on he furnishing Personal Bond of Rs. 15,000/- with one solvent surety, in the like amount on a condition that the applicant shall deposit the entire fine amount in the trial Court.

7. Criminal application is disposed of.

JUDGE

J.Pethe..