

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

**INTERIM APPLICATION NO. 234 OF 2022
IN
CRIMINAL APPEAL NO.46 OF 2022**

Ankush Lalaso Chavan

...Applicant/
Appellant

Versus

State of Maharashtra

...Respondent

....

Mr. Shivshankar D. Patil, Advocate for the Applicant/Appellant.

Mr. S. H. Yadav, APP for the Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 31st JANUARY, 2022.**

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of criminal Appeal No.46 of 2022.

2. The applicant has been convicted for the offences punishable under Sections 427 and 436 of Indian Penal Code (for short “IPC”) vide judgment and order dated 3rd December, 2021 passed by the learned Additional Sessions Judge Satara in Sessions Case No.151 of 2020. He has been sentenced to suffer rigorous imprisonment for one year for offence under Section 427 of IPC and three years for offence

under Section 436 of IPC.

3. The applicant is in custody from 29th July, 2020 till today. Thus, he is in jail for a period of about 1 year and 6 months.

4. Learned counsel for the applicant submitted that, considering the fact that the applicant has completed the sentence of imprisonment of one and half year, the sentence may be suspended.

5. Learned APP submitted that there is substantial evidence to establish the charges against the applicant. He was not on bail during the trial.

6. It is noted that the maximum sentence imposed by the trial Court is of three years, out of which the applicant has undergone one and half year. The appeal may not come up for hearing immediately. In these circumstances, the sentence of imprisonment can be suspended.

7. Hence, I pass the following order:

ORDER

- i. Interim Application No.234 of 2022 is allowed;
- ii. During the pendency of Criminal Appeal No.46 of 2022, the sentence of imprisonment imposed vide order

dated 3rd December, 2021 passed by learned Additional Sessions Judge Satara in Sessions Case No.151 of 2020 is suspended and the applicant is directed to be released on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

iii. The applicant shall attend the trial Court once in six months on first Saturday of the month till the disposal of appeal;

iv. The applicant is permitted to furnish cash bail security in the sum of Rs.20,000/- for a period of ten weeks in lieu of surety;

v. In the event of two consecutive default in attending the trial Court, the said fact may be brought to the notice of this Court and the prosecution will be at liberty to prefer application for cancellation of bail;

vi. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)