

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

**INTERIM APPLICATION NO. 1465 OF 2022
IN
CRIMINAL APPEAL NO. 478 OF 2022**

Jeevan Sunil Jadhav ...Applicant/Appellant
Versus
State Of Maharashtra And Anr. ...Respondents

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Mr. Kedar Jaysing Patil a/w Mr. Jitesh Mundhwa, Advocate for the
Applicant/Appellant

Mr. S. V. Sanawane, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 5th MAY, 2022.

PER COURT:

1. This is an application for suspension of sentence and grant of bail.
2. The applicant (accused No.2) is convicted for offence punishable under Section 323 of Indian Penal Code (for short “IPC”) and sentenced to suffer rigorous imprisonment of six months and to pay fine of Rs.500/-.
3. The applicant was on bail during the trial. There is no adverse report about the misuse of facility of bail. The sentence of imprisonment has been suspended by the trial Court on the date of conviction in accordance with Section 389 of Cr.PC. for a temporary period.

4. Learned APP submits that the incident had occurred on the Rangapanchmi day, wherein, the injured was assaulted by the accused persons. Some conditions be imposed upon the applicant while suspending the sentence.

5. Considering the fact that the sentence is of short term and other circumstances as stated above, sentence of imprisonment can be suspended.

6. Hence, I pass the following order:

ORDER

- i. Interim Application No. 1464 of 2022 is allowed;
- ii. During the pendency of Criminal Appeal No.478 of 2022, the sentence of imprisonment imposed vide Judgment and order dated 05th April, 2022 passed by learned Additional Sessions Judge, Ichalkaranji, Dist. Kolhapur in Sessions Case No.30 of 2017 is suspended and the applicant is directed to be released on bail on executing PR. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for a period of ten weeks in lieu of surety.
- iv. The applicant shall report Shivaji Nagar Police Station, Ichalkaranji once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. for a period of six months and thereafter, once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m till further order;

v. The applicant shall not cause any harassment to the injured or his family members and shall not approach in any manner.

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

vii. In the event, there are two consecutive defaults in attending the trial Court, the said fact may be brought to the notice of this Court and in such eventuality, the prosecution will be at liberty to prefer an application for cancellation of bail.

viii. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)