

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

**INTERIM APPLICATION NO. 2389 OF 2022
IN
REVISION APPLICATION NO. 294 OF 2022**

Ambadas Sidhram Gunnal	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Ritesh Thobde a/w Mr. Sagar Tambe, Advocate for the Applicant.

Mr. Arfan Sait, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd July, 2022

PC :

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Revision Application No. 294 of 2022.
2. The applicant has been convicted vide judgment and order dated 11.09.2019 passed by 3rd Judicial Magistrate First Class, Solapur in RCC No. 225 of 1999. The applicant has been convicted for the offences punishable under Sections 408 and 477-A of the Indian Penal Code (for short “IPC” and vide section 248 (2) of the Cr.P.C. and sentenced to suffer rigorous imprisonment for two years and to pay

fine of Rs. 2,000/- on each count. All the sentences are directed to run concurrently.

3. The trial Court judgment has been upheld by learned Sessions Judge Solapur, while dismissing the criminal Appeal No. 48 of 2019, vide judgment and order dated 12.07.2022 and the applicant has been taken into custody on that day.

4. The applicant is aged around 70 years. He was on bail during the trial. The maximum sentence imposed by trial Court is of two years imprisonment with fine, has been deposited. If fine is not deposited the same shall be deposited within a period of three weeks from the date of his release.

5. Considering the aforesaid circumstances, Revision Application has been admitted. The sentence of imprisonment can be suspended and bail can be granted to the applicant.

ORDER

- (i) Interim Application No. 2389 of 2022 is allowed.
- (ii) The sentence of imprisonment imposed vide judgment and order dated 11.09.2019 passed by 3rd JMFC, Solapur in RCC No. 225 of 1999 and confirmed vide judgment and order dated 12.07.2022 passed by learned Additional

Special Judge, Solapur in Criminal Appeal No. 48 of 2019 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 eight weeks in lieu of surety.

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

(v) 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.

(vi) Interim Application stands disposed of.

(PRAKASH D. NAIK, J.)