

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

***CRIMINAL INTERIM APPLICATION NO.2841 OF 2021
(FOR SUSPENSION OF SENTENCE)***

IN

CRIMINAL REVISION APPLICATION NO.223 OF 2021

Baban Maruti Sabale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shekhar Ingawale a/w Mr. Ranjit Hatkar i/b Mr. Pol Legal Juris, for the Applicant.

Ms. Anamika Malhotra, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 19th JANUARY 2022

(THROUGH VIDEO CONFERENCING)

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 Revision Application.
3. The applicant vide Judgment and Order dated 1st February 2018, passed by learned Judicial Magistrate First Class, Patan in Regular

Criminal Case No.132 of 2009 has been convicted for the offences punishable under Sections 325, 323, 506 r/w 34 of the Indian Penal Code. The maximum sentence imposed is for the offence punishable under Section 325 r/w 34 of the Indian Penal Code i.e. of two years. The applicant was however acquitted of the offence punishable under Sections 379, 504 r/w 34 of the Indian Penal Code. Being aggrieved by the said Judgment and Order of conviction and sentence, the applicant preferred an appeal before the Sessions Court at Karad. The learned Additional Sessions Judge, Karad vide Judgment and Order dated 9th September 2021 passed in Criminal Appeal No.1 of 2018 dismissed the applicant's appeal and as such confirmed the conviction and sentence awarded to the applicant by the trial Court.

4. The Revision Application has been admitted by a separate order passed today and the same is not likely to come up for the hearing in the immediate near future. The sentence imposed is a short term sentence.

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 the aforesaid Revision, on the following terms and conditions :

ORDER

- i) The Applicant be released on cash bail in the sum of Rs.15,000/-, for a period of six weeks;
- ii) The Applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- iii) The Applicant shall report to the trial Court, once in six months on the day/date specified by the trial Court, till his Revision Application is finally disposed of;
- iv) The Applicant shall keep the trial Court informed of current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

v) 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 authenticated copy of this order.

REVATI MOHITE DERE, J.