

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.340 OF 2022
IN
CRIMINAL APPEAL NO.77 OF 2022

Dhanaji Dattatray Chavan

Applicant

versus

The State of Maharashtra and another

Respondents

Mr.Rahul Kate with Ms.Tejasweeta Bhosale, Advocate for applicant.
Mr.Ajay Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 30th March 2022

PC :

1. By order dated 1st February 2022 interim relief was granted to the applicant and notice was issued to the complainant. Notice has been duly served upon complainant-respondent no.2 on 21st March 2022. Office note indicate that service is effected on respondent no.2. However, since respondent no.2 was not present in the Court, with a view to give opportunity to respondent no.2 to appear in the matter, the application was adjourned till today.

2. Although respondent no.2 has been served he is not present in Court either personally or through advocate. The applicant has been convicted for the offences under Sections 354 and 504 of Indian Penal Code and under Sections 3(1)(x) and 3(1)(xi) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. He has been sentenced to pay fine of Rs.1,500/- on first two counts and sentenced to undergo rigorous imprisonment for 2½ years for the offences under Sections 3(1)(x) and 3(1)(xi) of SC and SC (Prevention of Atrocities) Act.

3. The applicant was on bail during trial. On the date of conviction the Trial Court has suspended the sentence of imprisonment till the appeal period is over.

4. The sentence awarded by the Trial Court is of short period. The applicant has urged that there are several discrepancies in the evidence. Considering the circumstances, interim relief granted by order dated 1st February 2022 can be confirmed.

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) The sentence of imprisonment imposed by judgment and order 4th December 2021 passed by Additional Sessions Judge-2, Baramati, District Pune in Special Sessions Case No.21 of 2012 is suspended and applicant is directed to be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of sureties;
- (iv) The applicant shall attend Trial Court once in six months on First Saturday of the month till disposal of the Criminal Appeal;
- (v) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;
- (vi) In the event of default committed by the applicant in attending the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)