

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

***INTERIM APPLICATION NO. 830 OF 2022
(For Suspension of Sentence and Bail)
IN
CRIMINAL REVISION APPLICATION NO.122 OF 2022***

Umakant Ashok Bhilugade ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Shailesh Kharat for the Applicant

Ms. Anamika Malhotra, A.P.P for the Respondent No.1–State

None for the Respondent No.2

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 10th MARCH 2022

P.C. :

1 Heard learned counsel for the applicant and the learned A.P.P
for the State.

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.

3 The applicant, vide judgment and order dated 13th October 2020 passed by the learned Judicial Magistrate First Class, Court No. 2, Ichalkaranji, Kolhapur, has been convicted and sentenced as under :

- for the offence punishable under Section 354-A(ii) (2) of the Indian Penal Code, to suffer rigorous imprisonment for one year and to pay fine of Rs. 5,000/-, in default, to suffer further rigorous imprisonment for one month;
- for the offence punishable under Section 354-D(i) of the Indian Penal Code, to suffer rigorous imprisonment for one year and to pay fine of Rs. 5,000/-, in default, to suffer further rigorous imprisonment for one month;
- for the offence punishable under Section 506 (1) of the Indian Penal Code, to suffer simple imprisonment for six months.

All the aforesaid sentences were directed to run concurrently.

The applicant was acquitted for the offence punishable under Section 341 of the Indian Penal Code.

4 The said judgment and order of conviction and sentence was confirmed by the learned Additional Sessions Judge, Ichalkaranji, Kolhapur, vide judgment and order dated 5th January 2022 passed in Criminal Appeal No. 22/2020.

5 The aforesaid revision application has been admitted by a separate order passed today. The sentence imposed is a short term sentence and the revision is not likely to be heard in the immediate near future. The applicant is presently in custody. It is not in dispute that the applicant was on bail during trial as well as pending his appeal. There is nothing on record to show that the applicant has abused or misused the conditions of bail.

6 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 his revision application, 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 local 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 his 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.

- 7 The application is disposed of accordingly.
- 8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.