

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

***INTERIM APPLICATION NO. 829 OF 2022
(FOR SUSPENSION OF SENTENCE)***

WITH

***INTERIM APPLICATION NO. 828 OF 2022
(FOR BAIL)***

IN

CRIMINAL REVISION APPLICATION NO. 121 OF 2022

Subhash Tukaram Gaikar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Satyajeet Joshi a/w Mr. Sandeep Mehendre for the Applicant

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

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

P.C. :

1 Heard learned counsel for the parties.

2 By these applications, 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 April 2011 passed by the learned Judicial Magistrate First Class, Mangaon, Raigad, has been convicted and sentenced as under :

- for the offence punishable under Section 324 of the Indian Penal Code, to suffer rigorous imprisonment for 6 months and to pay fine of Rs. 500/-, in default, to suffer simple imprisonment for one month;

The applicant was acquitted of the offence offence punishable under Section 323 r/w 34 of the Indian Penal Code.

4 The said judgment and order of conviction and sentence was confirmed by the learned Additional Sessions Judge, Mangaon, Raigad, vide judgment and order dated 28th February 2022 passed in Criminal Appeal No. 23/2012.

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. It is not in dispute that the applicant was on bail during trial and that he has not misused or abused the conditions of bail.

6 Considering the aforesaid, the applications are 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 applications are disposed of accordingly.

8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.