

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

**INTERIM APPLICATION NO.1103 OF 2022
IN
CRIMINAL APPEAL NO. 339 OF 2022**

Santosh Hanmant Reddy ...Applicant/Appellant
Versus
The State Of Maharashtra ...Respondent

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Mr. Omkar Hase i/by Mr. Vikrant Phatate, Advocate for the
Applicant/Appellant.

Mr. S. V. Gavand, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 5th APRIL, 2022.

PER COURT:

1. This is an application for suspension of sentence and grant of bail during pendency of Criminal Appeal No.339 of 2020.

2. The applicant has been convicted for offences punishable under Sections 304-A, 279, 337, 338 of Indian Penal Code (for short “IPC”) and sentenced to suffer imprisonment of two years, three months, one month and six months respectively on each count. He is also convicted for the offence punishable under Section 184 of the Motor Vehicle Act and sentenced to suffer simple imprisonment for two months.

3. Learned counsel for the applicant submitted that the applicant was on bail during the trial. The facility of bail has not

been misused by the applicant. The maximum sentence imposed by the trial Court is of two years. The appeal would not come up for hearing immediately. The sentence of imprisonment has been suspended by the trial Court on the date of conviction. There is no evidence to substantiate the charges against the applicant. The evidence of witnesses suffers from various contradictions and omissions.

4. Learned APP submitted that specific role has been attributed to the applicant. He has been convicted on the basis of evidence.

5. Undisputedly the applicant was on bail during the trial. There is no adverse report about the misuse of facility of bail. The sentence is of short term. The appeal challenging the judgment of conviction has been admitted. The sentence is suspended by the trial Court in accordance with Section 389 of Cr.PC. on the date of conviction. Hence, case is made out for grant of relief prayed in this application.

6. Hence, I pass the following order:

ORDER

- i. Interim Application No. 1103 of 2022 is allowed;

- ii.** During the pendency of Criminal Appeal No.339 of 2022, the sentence of imprisonment imposed vide Judgment and order dated 5th March, 2022 passed by learned Additional Sessions Judge, Solapur in Sessions Case No.61 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 ten 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 accordingly.

(PRAKASH D. NAIK, J.)