

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1267 OF 2021****IN****CRIMINAL APPEAL NO. 1385 OF 2019**

Akshay Ashok Kadam

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Mr. Niranjan Mundargi for the Applicant.

Ms. Sharmila Kaushik, APP for Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 11th JULY, 2022.****P.C.:-**

This is an Application for suspension of sentence and releasing the Applicant on bail.

2. Applicant has been convicted under Sections 452, 394 and 397 of Indian Penal Code and is sentenced to suffer maximum rigorous imprisonment for 7 years and to pay fine of Rs.1,000/- by the learned Additional Sessions Judge, Pune in Session Case No.915 of 2016 by its Judgment and Order dated 21st August, 2019.

3. Mr. Mundargi, learned Advocate appearing for Applicant submitted that, the Applicant was released on bail during the pendency of trial. That, after conviction, the Applicant was also granted benefit of COVID-19 pandemic and was released on bail for a period of about one year. He submitted that, there is no report of breach of any of the conditions imposed upon the Applicant while he was released on bail. He

further submitted that, the Applicant has already deposited entire fine amount in the Registry of Trial Court.

4. The sentence imposed upon the Applicant is 10 years of rigorous imprisonment. Possibility of hearing present Appeal on its own merits in near future is remote. In view thereof and after taking into consideration the facts involved in the present case and the fact that the Applicant was on bail during the pendency of trial and there is no report of breach of any of the conditions imposed upon him, during the pendency of the present Appeal, the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

5. Hence, following Order:-

- (i) Applicant/Accused in Session Case No.915 of 2016 be released on bail on his furnishing P. R. bond of Rs.50,000/- with one or more solvent local sureties in the like amount.
- (ii) During the pendency of the appeal, Applicant is directed to attend Dattawadi Police Station, Pune on every first Monday of the month initially for a period of 1 year and thereafter on every first Monday of every 3rd month, i.e. 4 times in a year.

6. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)