

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1383 OF 2022****IN****CRIMINAL APPEAL NO. 450 OF 2022**

Ganesh Baburao Phapale

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Mr.Amit Icham i/b. Mr.Vivek Arote for Applicant/Appellant.

Mr.S.S. Hulke, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.**DATE : 18th July 2022.****P.C. :**

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

2. Applicant has been convicted under Section 332 read with 34 of The Indian Penal Code (for short, 'I.P.C.') and is sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.2,000/- by the learned Additional Sessions Judge-8, Nashik, in Sessions Case No.363 of 2018 by its Judgment and Order dated 14th March 2022.

3. Learned Advocate for Applicant submitted that, the Applicant has already deposited entire fine amount in the Registry of the Trial Court.

4. The sentence imposed upon the Applicant is a short term sentence i.e. maximum one year of rigorous imprisonment. The possibility of

hearing present Appeal on its own merits in near future is remote. Record indicates 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.

In view thereof, during the pendency of present Appeal, the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

5. Hence, the following Order :-

- (i) Applicant/Accused be released on bail in Sessions Case No.363 of 2018 on his furnishing P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) During the pendency of present Appeal, Applicant is directed to attend Panchvati Police Station, Nashik 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.]