

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

**INTERIM APPLICATION NO.1402 OF 2022  
IN  
CRIMINAL APPEAL NO.459 OF 2022**

|                       |                        |
|-----------------------|------------------------|
| Nisarg Arunkumar Shah | .. Applicant/Appellant |
| <b><i>Versus</i></b>  |                        |
| State of Maharashtra  | .. Respondent          |

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Mr.Kalpesh U. Patil, Advocate for the Applicant/Appellant.

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

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : MAY 02, 2022.**

**P.C. :**

The applicant has been convicted for the offence punishable under Section 304-A of IPC, and, sentenced to suffer imprisonment of two years, and, fine of Rs.50,000/-. He is also convicted for the offence punishable under Section 338 of IPC, and, sentenced to suffer imprisonment of one year. He is further convicted for the offence punishable under Section 279 of IPC, and, sentenced to suffer imprisonment of three months.

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2                      The fine imposed by the trial Court has been deposited by the appellant/applicant before the trial Court.

3           The applicant was tried for other offences. However, he was acquitted for the offence punishable under Section 304-A of IPC and the other offences, as stated above. The applicant was on bail during trial. The sentence of conviction has been suspended by the trial Court on the day of conviction for a temporary period.

4           The sentence is of short term. The applicant was on bail during trial. Considering the aforesaid factual aspects, this application can be allowed.

5           Hence, I pass the following order:

**:: ORDER ::**

- (i) Interim Application No.1402 of 2022, is allowed;
- (ii) The sentence of imprisonment imposed by the Additional Sessions Judge, Karad, vide Judgment and order dated 6<sup>th</sup> April, 2022, in Sessions Case No.93 of 2019, is suspended and the applicant is directed to be released on bail on executing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;

- (iii) Applicant/appellant is permitted to furnish cash bail security of Rs.20,000/-, for a period of eight weeks, in lieu of surety;
- (iv) Applicant/appellant shall attend the trial Court once in six months on first Saturday of the month, till disposal of Appeal;
- (v) In the event of 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 is at liberty to move an application for cancellation of bail;
- (vi) Interim Application No.1402 of 2022, stands disposed of accordingly.

**(PRAKASH D. NAIK, J.)**