

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

**INTERIM APPLICATION NO.1478 OF 2022
WITH
INTERIM APPLICATION NO.1479 OF 2022
IN
CRIMINAL APPEAL NO.485 OF 2022**

Akash Kiran Donde .. Applicant/Appellant

Versus

State of Maharashtra .. Respondent

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Mr.Sachin Chandan, Advocate for the Applicant/Appellant.

Mr.Ajay Patil, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : MAY 06, 2022.

P.C. :

Both these applications are preferred by the applicant/appellant for seeking suspension of sentence and grant of bail.

2 The applicant (accused no.4) is convicted for the offence punishable under Section 326 read with 34 of IPC, 367 read with 34 of IPC and 506(2) of IPC, and, sentenced to suffer imprisonment of three years on first two counts, and, one year on the third count.

3 The applicant/appellant was on bail during the trial. The

sentence of imprisonment has been suspended by the trial Court on the date of conviction. The sentence is of short term.

4 The applicant/appellant was not armed with any weapon. Considering this aspect, case for suspension of sentence and grant of bail is made out.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application Nos.1478 and 1479 of 2022, are allowed;
- (ii) The sentence of imprisonment imposed *vide* judgment and order dated 7th April, passed by Additional Sessions Judge-8, Nashik, in Sessions Case No.542 of 2019, is suspended and the applicant/appellant 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 Nos.1478 and 1479 of 2022, stand disposed of accordingly.

(PRAKASH D. NAIK, J.)