

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1563 OF 2022****IN****CRIMINAL APPEAL NO. 526 OF 2022**

Nandu Bhagwan Mhatre

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Mandar Goswani for Applicant.

Ms. S. S. Kaushik, APP for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 9th June 2022.

PC. :

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

2. Applicant has been convicted under Sections 323, 325, 506 of the Indian Penal Code (for short, "IPC") and is sentenced to suffer maximum rigorous imprisonment of two and half years and to pay total fine of Rs.6,000/- by the learned Additional Sessions Judge, Thane in Sessions Case No.351 of 2009, by its Judgment and Order dated 29th April 2022.

3. Mr. Goswani, learned Advocate for Applicant submitted that, the Applicant has already deposited entire fine amount in the Registry of the Trial Court. He submitted that, during the pendency of the trial the Applicant was

released on bail and there is no report of breach of any of the bail conditions imposed upon him.

4. The maximum sentence imposed upon the Applicant is two and half years of rigorous imprisonment. The possibility of hearing the present Appeal on its own merits in near future is remote. Record indicates that, the Applicant was on bail throughout the trial and there is no report of breach of any of the bail conditions imposed upon him.

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

6. Hence, the following Order :-

(i) Applicant be released on bail in Sessions Case No.351 of 2009, arising out of C.R. No. 181 of 2009 registered with Kalwa Police Station, Tal. & Dist. Thane, on his furnishing PR. bond of Rs.25,000/- with one or two solvent local sureties in the same amount.

(ii) During the pendency of the Appeal, Applicant is directed to attend Kalwa Police Station, Tal. & Dist. Thane, 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.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]