

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1602 OF 2022****IN****CRIMINAL APPEAL NO. 540 OF 2022**

Pramod Nivrutti Osarmal

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Mr. Tapan Thatte for Applicant/Appellant.

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

CORAM : A.S. GADKARI, J.**DATE : 7th July 2022.****PC. :**

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

2. Applicant is convicted under Section 306 of the Indian Penal Code (for short, 'I.P.C.') and is sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs.10,000/- by the learned Additional Sessions Judge, Pune in Sessions Case No. 227 of 2013 by its Judgment and Order dated 10th May 2022.

3. Mr. Thatte, learned Advocate for Applicant submitted that, the Applicant was granted anticipatory bail by the Trial Court and there is no report of breach of any of the conditions imposed upon him. He submitted that, the Applicant duly cooperated with the Police machinery, when he was

granted pre-arrest bail. He 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 five years of rigorous imprisonment. Possibility of hearing present Appeal on its own merits in near future is remote. Record indicates that, the Applicant was granted pre-arrest bail and there is no report of breach of any of the conditions imposed upon him. In view thereof, during the pendency of present Appeal, 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. 227 of 2013 on his furnishing PR. bond of Rs.25,000/- with one or two local sureties in the like amount.
- (ii) After his release from jail and till final disposal of present Appeal, Applicant is directed to attend Yerawada Police Station, District 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.

7. All the concerned to act on the basis of an authenticated copy of the present Order.

[A.S. GADKARI, J.]