

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1599 OF 2022****IN****CRIMINAL APPEAL NO. 536 OF 2022**

Ramchandra Nagnath Mhatre

... Applicant Original
Accused No.2

V/s.

The State of Maharashtra

... Respondent

Mr. Rahul Arote for Applicant-Original Accused No.2.

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-Original Accused No.2 on bail.

2. Applicant-Original Accused No.2 has been convicted under Sections 325 read with Section 34 of the Indian Penal Code (for short, "IPC") and is sentenced to suffer simple imprisonment of two and half years and also to pay fine of Rs.5,000/- by the learned Additional Sessions Judge, Thane in Sessions Case No.580 of 2014, by its Judgment and Order dated 29th April 2022.

3. Mr. Arote, learned Advocate for Applicant-Original Accused No.2 submitted that, the Applicant-Original Accused No.2 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 simple 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 commission 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.580 of 2014, arising out of C.R. No. 182 of 2009 registered with Kalwa Police Station, Tal. & Dist. Thane, on his furnishing PR. bond of Rs.25,000/- with one or two 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.]