

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

**INTERIM APPLICATION NO.2007 OF 2022
IN
CRIMINAL APPEAL NO.723 OF 2022**

Dilip Vishnu More Applicant

versus

State of Maharashtra Respondent

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- Mr. Prashant V. Nayak, Advocate for Applicant.
- Mrs. J. S. Lohokare, APP for the State/Respondent.

CORAM : M. G. SEWLIKAR, J.
DATE : 22nd JULY, 2022

P.C. :

1. Heard.
2. The Applicant is convicted under section 395 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 10 years with a fine of Rs.20,000/-, in default, rigorous imprisonment for 2 years, under section 397 of Indian Penal Code, the Applicant is sentenced to suffer rigorous imprisonment for 7 year, under section 460 of the Indian Penal

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Code, the Applicant is sentenced to suffer rigorous imprisonment for 10 years and fine of Rs.25,000/-, in default to suffer rigorous imprisonment for 2 years and under section 120-B of the Indian Penal Code, the Applicant is sentenced to suffer rigorous imprisonment for 6 months and all sentences were directed to run concurrently.

3. The Appeal against conviction is admitted.
4. The instant application is moved by the Applicant u/s 389 of Cr.P.C. for suspension of sentence and for releasing the accused on bail.
5. Learned counsel for the Applicant submits that the role of the Applicant in the offence is minimal. He was only driving the vehicle. The accused who played a major role in the offence, has been released on bail. He submitted that the punishment awarded is 10 years and the Applicant has undergone sentence of 6 years. He therefore prayed for releasing the Applicant on bail.

6. Learned APP for the State does not dispute this position. She submits that the antecedents of the Applicant need to be checked. From the judgment of the trial Court it does not appear that the Applicant has any antecedents.
7. In this view of the matter and more particularly when the Applicant has undergone substantive sentence for 6 years, I am inclined to release the Applicant on bail.
8. Hence, the following order :

ORDER

- (i) The Applicant is released on bail on his furnishing PR of Rs.25,000/- with one solvent surety in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(M. G. SEWLIKAR, J.)