

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

**CRIMINAL INTERIM APPLICATION NO. 2593 OF 2022
WITH
CRIMINAL REVISION APPLICATION NO. 316 OF 2022**

Sachin Pradip Khade	...Applicant
Versus	
The State Of Maharashtra	...Respondent

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Ms. Saili Dhuru, Advocate for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	5th AUGUST, 2022.

PER COURT:

1. This is an application for suspension and grant of bail during the pendency of the revision application preferred by the applicant challenging the Judgment of conviction. The applicant has been convicted vide Judgment and order dated 17th July, 2015 for an offence under Section 324 of Indian Penal Code. He was sentenced to suffer imprisonment of one year and fine of Rs.15,000/-. The said Judgment was challenged by preferring an appeal before the Court of Sessions at Pune. The appeal was dismissed vide Judgment and order dated 5th May, 2015.

2. Learned Advocate for the applicant submit that the applicant is taken in custody 3rd August, 2022. The applicant was on bail during the trial. The applicant has good case on merits. He is not

misused the facility of bail. Even during the pendency of appeal he was on bail. There are serious infirmities in the case of the prosecution.

3. Learned APP submit that there are two concurrent findings of conviction. The trial Court has appreciated the evidence and the Judgment of trial Court confirmed by the Sessions Court.

4. It is noted that the sentence of imprisonment is one year. The applicant was on bail during the trial as well as during the pendency of appeal. Several grounds are urged in this application challenging the Judgment of conviction. The applicant is in custody.

5. Hence, this Interim Application for suspension of sentence can be allowed.

ORDER

- i. Interim Application No.2593 of 2022 is allowed.
- ii. The sentence of imprisonment imposed vide Judgment and order dated 17th July, 2015 passed by Learned J.M.F.C., Pune in R.C.C. No. 404552 of 2012 and confirmed by the Sessions Court vide Judgment and order dated 5th May, 2015 passed in Criminal Appeal No.396 of 2015 is suspended during the pendency of Criminal Revision Application No.316

of 2022 and the applicant is directed to be released on bail on executing PR. Bond in the sum of Rs.20,000/- with one or more surety in the like amount;

iii. The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for a period of **eight** weeks in lieu of surety.

iv. The applicant shall attend the trial Court once in six months on first Saturday of the month till the final disposal of the appeal;

v. In the event, there are 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 will be at liberty to prefer an application for cancellation of bail.

vi. Interim Application stands disposed of.

(PRAKASH D. NAIK, J.)