

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

**INTERIM APPLICATION NO. 2941 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 346 OF 2022**

Abhijeet Shivaji Harpale ...Applicant
Versus
The State Of Maharashtra ...Respondent

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Mr. Nitesh Mohite a/w Mr. Shubham Mhatre i/b Mr. Samay Pawar,
Advocate for the Applicant.

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

CORAM : PRAKASH D. NAIK, J.
DATE : 8th SEPTEMBER, 2022.

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of the Criminal Revision Application No. 346 of 2022.
2. The applicant was convicted vide judgment and order dated 30.09.2013 passed by learned 24th Judicial Magistrate First Class, Pune in RCC No. 5911 of 2009 for offence punishable under Sections 324 read with section 34 and Section 323 read with Section 34 of Indian Penal Code vide Section 248 (2) of the Criminal Procedure Code. He was sentenced to undergo simple imprisonment for two years and three months on each count. The appeal preferred by the applicant was partly allowed by the

learned Sessions Judge vide judgment and order dated 12.08.2022 passed in Criminal Appeal No.541 of 2013. The conviction order passed against the Appellant for offence punishable under Section 323 and 324 of IPC. The sentence for the offence under Section 323 of IPC is for six months simple imprisonment on each count and to pay fine of Rs. 1,000/- each. The applicant has deposited the fine amount. The applicant is in custody from 12.08.2022. Considering the aforesaid circumstances, the sentence can be suspended.

ORDER

- (i) Interim Application No.2941 of 2022 is allowed.
- (ii) The sentence of imprisonment imposed vide judgment and order dated 30.09.2013 passed by learned 24th Judicial Magistrate First Class, Pune in RCC No. 5911 of 2009 and modified by the Additional Sessions Court Pune, vide judgment and order dated 12.08.2022 in Criminal Appeal No. 540 of 2013 is suspended and the applicant is directed to be released on bail on executing PR bond in the sum of Rs. 15,000/- with one or more sureties in the like amount.
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.15,000/- for a period of 12 weeks in lieu of surety.
- (iv) The applicant shall attend the trial Court once in six months

on first Saturday of the month between 11:00 am to 01:00 pm 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.)