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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2834 OF 2022

IN

CRIMINAL APPEAL NO.859 OF 2022

Shri. Manjunath Parshuram Gavali Applicant
Versus
The State of Maharashtra Respondent

Mr. Anand S. Patil for the Applicant.
Mr. R.M. Pethe, APP for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : 29th AUGUST, 2022

P C. :

1. This is an Application for suspension of sentence and release of the applicant on bail during pendency and final disposal of Criminal Appeal Appeal No.859 of 2022.
2. The Applicant was convicted for commission of offence punishable under Section 3 read with Section 25 of the Indian Arms Act, 1959 and was sentenced to suffer Rigorous Imprisonment for one year and to pay a fine of Rs.5,000/- and in default of payment of fine to further undergo Rigorous Imprisonment for one month.
3. Learned counsel for the Applicant submitted that, the sentence is short. There is no independent witness to the search carried out by the

police because the Pancha has not supported the prosecution case.

4. Learned APP opposed this application. He conceded that the sentence is short.

5. The Appeal is already admitted and the submissions made by the learned counsel for the Applicant on merits of the matter will have to be dealt with during final hearing. The sentence imposed on the Applicant is short and the Appeal is not likely to be decided within a short period. Therefore, the Applicant deserves to be released on bail during pendency and final disposal of Appeal.

6. Hence, the following order:

ORDER

(i) During pendency and final disposal of Criminal Appeal No.859 of 2022, the Applicant is directed to be released on bail on his executing P.R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.

(ii) The applicant shall report to the nearest police station from his residence once in every three months till disposal of the Appeal. He shall inform the investigating police station about his residence and such nearest police station.

(iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)