

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

**INTERIM APPLICATION NO. 9 OF 2022
IN
CRIMINAL APPEAL NO. 2 OF 2022**

Sunil Chandrashekhar Sonkamble ...Applicant/
Appellant

Versus

State of Maharashtra ...Respondent

....

Mr. Ujwal R. Agandsurve, Advocate for the Applicant/Appellant.

Mr. H. J. Dedhia, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 31st JANUARY, 2022.

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal No.2 of 2022 preferred by the applicant challenging the judgment and order dated 22nd November, 2021 passed by the Court of learned Additional Sessions Judge, Solapur, in Sessions Case No.245 of 2017, convicting the applicant for offence punishable under Section 307 of Indian Penal Code (for short “IPC”).

2. Learned Advocate for the applicant submitted that the applicant has been sentenced to suffer rigorous

imprisonment for three years. The applicant was on bail during the trial. He has not misused the facility of bail. On the date of conviction the sentence was suspended by the trial Court for a period of 60 days to enable the applicant to prefer an appeal before the higher Court. The injured was discharged from the hospital after a period of 4 days. There are discrepancies in the evidence of witnesses.

3. Learned APP submitted that the injury was inflicted on the vital part. It was of grievous nature. Specific role has been attributed to the applicant. There is evidence of injured witness. The applicant has been convicted for offence under Section 307 of IPC.

4. The sentence imposed by the trial Court is of short term. The applicant was on bail during the trial. He has not misused the facility of bail. Even after the judgment of conviction, the sentence was suspended by the trial Court.

5. Considering the aforesaid circumstances, this application can be allowed.

6. Hence, I pass the following order:

ORDER

- i. Interim Application No.9 of 2022 is allowed;

ii. During the pendency of Criminal Appeal No.2 of 2022, the sentence of imprisonment imposed by the learned Additional Sessions Judge, Solapur, dated 22nd November, 2021 in Sessions Case No.245 of 2017 is suspended and the applicant is directed to be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

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

iv. The applicant is permitted to furnish cash bail security in the sum of Rs.25,000/- for a period of ten weeks in lieu of surety.

v. In the event of two consecutive default in attending the trial Court, the said fact may be brought to the notice of this Court and the prosecution will be at liberty to prefer application for cancellation of bail.

vi. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)