

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 30 OF 2022
IN
CRIMINAL APPEAL NO.22 OF 2022

Vikas @ Vivek S/o Laxmanrao Dhokane (Patil)

Versus

The State of Maharashtra, Through P.S.O., Jaripatka, Dist. Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.B. Gaikwad, Advocate for the applicant.

Ms. T.H. Udeshi, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 21/02/ 2022

1. This is an application for suspension of sentence and grant of bail. The applicant along with six persons were prosecuted for the offences punishable under Sections 188, 408, 420 read with Section 34 and 120(B) of the Indian Penal Code; Section 3 read with Section 7 of the Essential Commodities Act and Section 18(c) read with Section 27 of the Drugs and Cosmetics Act, 1940. The applicant is held guilty for the offences punishable under Section 420 of the Indian Penal Code and has been sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.5,000/-, in default to suffer simple imprisonment for six months.

2. It is contended that the prosecution has also failed to prove the link between the applicant and the co-accused. It is contended that the applicant has no criminal antecedents and he is in custody since 16/04/2021. It is contended that there is no possibility of hearing of this appeal in near future. Hence, it is prayed that the applicant be released on bail by suspending the substantive sentences imposed upon him till final disposal of the appeal.

3. Reply is filed by the prosecution, wherein it is contended that upon receiving secrete information, the applicant was trapped. It is contended that the trial Court has appreciated the evidence in proper perspective. There is a strong evidence against the applicant. The offence committed by the applicant is serious in nature and it is against the humanity.

4. The evidence led in the trial Court is required to be re-appreciated in the appeal. Presently, there is no possibility of hearing of this appeal in near future. The applicant is already in jail for more than nine months.

5. In view of the above submissions, in my opinion, the applicant is required to be released on bail by suspending his sentence. Hence, I pass the following order:

a) The application is allowed.

b) The substantive sentence imposed upon the applicant is hereby suspended till final disposal of this appeal.

- c) Applicant-Vikas @ Vivek S/o Laxmanrao Dhokane (Patil) is ordered to be released on bail on his furnishing a P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with a solvent surety in the like amount, before the trial Court.
- d) The applicant is also directed to attend the concerned Police Station on 10th of every month between 10:00 am and 12:00 pm till September, 2022.
- e) The applicant is further directed to attend the hearing of the appeal regularly.

[ANIL S. KILOR, J.]