

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

Criminal Appeal No.44 of 2022

Ravi @ Ravindra s/o Shyamrao Poinkar

vs.

The State of Maharashtra, through PSO Hudkeshwar, Nagpur

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr. V.U. Waghmare, Advocate for the Applicant/Appellant.
Mr. V.A. Thakare, A.P.P. for the Non-Applciant/Respondent.

CORAM : SURENDRA P. TAVADE, J.
DATE : 27th JANUARY, 2022.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

02] Heard the learned Counsel for the appellant.

03] The appeal is **admitted**.

04] Call for the record and proceedings in Sessions Case No.466/2019 from the trial Court.

05] Issue notice to respondent. The learned A.P.P. waives service of notice on behalf of the respondent.

Criminal Application [APPA] No.70/2022:

Perused the impugned judgment. The applicant was accused No.1 before the trial Court. He is convicted for the offences punishable under Section 353 read with Section

34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for sixteen months months and to pay fine of Rs.5,000/-, in default he is directed to undergo rigorous imprisonment for three months. He is also convicted for the offence punishable under Section 332 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for sixteen months and to pay fine of Rs.5000/-, in default he is directed to suffer rigorous imprisonment for three months. He is also held guilty for the offence punishable under Section 294 read with Section 34 and sentenced to suffer rigorous imprisonment for three months and to pay fine of Rs.5000/-, in default he is directed to undergo rigorous imprisonment for ten days. The applicant has paid the fine amount imposed on him. It is contended that the applicant was released on bail during pendency of trial.

02] No allegation of abuse of liberty granted to him during the pendency of the trial. Even after the conviction, he was released on bail for one months. Therefore, it is prayed that the appellant may be released on bail.

03] Heard the learned Counsel for the applicant and the learned A.P.P. for the State. The learned A.P.P. for the State submits that the offence is proved against the applicant and, therefore, he has objection for suspension of sentence and releasing the applicant on bail.

04] It appears that the appellant is convicted for the offence punishable under Sections 353 and 332 and

sentenced him to suffer imprisonment for sixteen months on each count. The applicant was on bail during pendency of trial and even after the conviction by the trial Court, the appeal may not come for hearing within short time. Hence the applicant is entitled for bail. Hence, I pass the following order:

ORDER

- i. The application is allowed.
- ii. The substantive sentence imposed upon the applicant is hereby suspended till final disposal of the appeal.
- iii. The applicant be released on bail on his executing P.R. bond of Rs.15,000/- with one surety in the like amount before the trial Court.
- iv. The applicant is directed to attend hearing of this appeal regularly.
- v. Hamdust is granted.

JUDGE

**sandesh*