

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

50 CRIMINAL APPLICATION NO.1250 OF 2023
IN CRI.APEAL/55/2021

Aniruddha @ Mauli Shahurao Udhhan

...Applicant

VERSUS

The State of Maharashtra

...Respondent

...

Advocate for Applicant : Ms. Bodke Patil Poonam V.

APP for Respondent-State : Mr.K.N.Lokhande

...

CORAM : R. G. AVACHAT, J.

DATE : 10.04.2023.

PER COURT :

1. Not on board. Upon mentioning, taken on board.
2. This application has been moved for suspension of substantive sentence of imprisonment.
3. The applicant has been convicted for the offences punishable under Sections 394 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 10 years and to pay fine with default stipulation. As against this ten year's sentence, the applicant is

in jail for little over 4 years and about 2 months. The appeal is of 2021. It will take time for the appeal to come for hearing by its turn.

3. The learned APP has strong objection to allow application. He submits that if he is granted bail, he will commit similar type of offences.

4. Considering the quantum of sentence and the fact that the applicant has already undergone imprisonment for a period of 4 years and 2 months, this Court inclined to allow the application. In view of the same, the following order :

ORDER

(a) The application is allowed.

(b) Pending the appeal, the execution of substantive sentences of imprisonment imposed upon the applicant by the learned Additional Sessions Judge, Aurangabad in Sessions Case No. 537 of 2019 by the judgment and order dated 17.10.2020, to stand suspended and the applicant be released on bail on his executing PR bond in the sum of Rs.15,000/-

(Rupees Fifteen Thousand) with one surety in the like amount, on condition that he shall mark his presence at Kannad Police Station, on first Saturday of each month for next two years.

(R. G. AVACHAT)
JUDGE

mahajansb/