

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**909 CRIMINAL APPLICATION NO.4035 OF 2023
IN APEAL/1059/2023**

**PRABHAKAR JAYRAM SHETTY
VERSUS
THE STATE OF MAHARASHTRA**

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Senior Advocate for Applicant : Mr. Rajendnrrra S. Deshmukh a/w
Sanket A. Jadhav i/b G. A. Kulkarni & Mr. Devang Deshmukh
APP for Respondent-State: Mr. R. D. Sanap

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 03/11/2023.**

P. C. :

1. Heard.
2. Issue notice to respondent. The learned APP waives service for respondent-State.
3. Heard rival submissions.
4. The applicant, who is original accused No.3, is seeking suspension of his substantive sentence of imprisonment imposed upon him vide judgment and order dated 09/10/2023 in Sessions Case No.78 of 2014.
5. The learned senior counsel for the applicant submits that the applicant / accused was on bail throughout the trial and he has also deposited the fine amount.

6. The learned A.P.P. though strongly opposed the application on the ground that the conviction is recorded by the learned Trial Court after considering the entire evidence on record, but it appears that the maximum sentence of imprisonment is of 3 years only and the learned trial court has already released the applicant / accused on bail after the conviction. As such, considering the short term of imprisonment, following order is passed

ORDER

- (i) The application is hereby allowed and substantive sentence of imprisonment imposed upon the applicant / accused in Sessions Case No.78 of 2014 is hereby suspended during the pendency of this appeal.
- (ii) The applicant be released on bail on execution of his P.R. bond of Rs.25,000/- with one or more solvent sureties in the like amount.
- (iii) Bail in lower Court.
- (v) Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)