

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.920 OF 2023
IN
CRIMINAL APPEAL NO.143 OF 2023

Ramesh Shantaram Dalvi

Applicant

versus

The State of Maharashtra and another

Respondents

Mr.Niranjan Mundargi with Mr.Subir Sarkar, Ms.Rohini Jaiswal,
Ms.Keral Mehta and Neveille Mukerji i/by Veritas Legal for Applicant.
Mr.Y.M.Nakhwa, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 7th June 2023

PC :

1. This is an application for suspension of sentence and grant of bail during pendency of appeal challenging judgment of conviction.
2. The applicant is convicted for the offence u/s.307 of IPC and sentenced to suffer imprisonment for a period of seven years. Applicant was on bail during the period of trial. There is no adverse report of misuse of facility of bail. Applicant is aged about 72 years.
3. The case of prosecution is that complainant was suddenly attacked by the accused with the aid of knife causing injuries on the person of complainant. Evidence of PW-9 Dr.Shama Kashap Deshpande indicates that injured has suffered lacerated wounds and the nature of injuries were simple.
4. Learned APP submitted that injured was subjected to assault

by weapon and he had sustained several injuries. Applicant has been convicted for the offence u/s.307 of IPC.

5. Considering the fact that applicant was on bail during trial and nature of offence and also the fact that applicant was aged around 72 years and is in custody since last about seven months, the sentence of imprisonment can be suspended.

ORDER

- (i) Interim Application is allowed and disposed off;
- (ii) The sentence of imprisonment imposed upon Applicant vide judgment and order dated 8th December 2022 in Sessions Case No.27 of 2016 by Additional Sessions Judge, Sindhudurg-Oros, is suspended, and Applicant is directed to be released on bail on executing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) Applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of six weeks in lieu of sureties;
- (iv) Applicant shall report Vengurla Police Station once in six months on every first Saturday between 11 am and 1 pm till final disposal of criminal appeal.

(PRAKASH D. NAIK, J.)

MST