

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 232 OF 2023
IN
CRIMINAL APPEAL NO. 51 OF 2023**

Vishnumurti Venkatnarsayya Bairi ..Applicant.
Versus
The State of Maharashtra ..Respondent

Ms. Suvarna Avhad-Vast i/b. Prakash Salsingikar for Applicant.
Smt. M. R. Tidke, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 20 JANUARY 2023

PC :

1. Leave to amend. Amendment to be carried out forthwith.
2. This is an application for suspension of sentence and releasing the applicant on bail during pendency of his Appeal No.51 of 2023.
3. Learned counsel for the applicant submitted that, there are contradictions and omissions in the evidence of the prosecution witnesses. The sentence imposed on him is short. He was on bail during trial and even after his conviction he is granted

bail U/s.389 of the Cr.p.c. She, therefore, submitted that the applicant be granted bail during pendency of his Appeal.

4. Learned APP opposed this application on merits. However, she conceded that the sentence is short.

5. The points raised by learned counsel for the applicant will have to be decided at the final hearing stage of the appeal. The sentence imposed is short and the Appeal is not likely to be decided within that period. The Applicant was on bail during trial. Considering all these aspects, he can be granted bail during pendency of his appeal.

6. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.51 of 2023, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.

- ii) The notice for enhancement of sentence issued by a separate order in the Appeal be served on him at the time of his execution of fresh bail bond before the Trial Court.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)