

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1661 OF 2023
WITH
INTERIM APPLICATION NO.1662 OF 2023
IN
CRIMINAL APPEAL NO.506 OF 2023

Ravindra Ramesh Arya

Applicant

versus

The State of Maharashtra

Respondent

Mr.Krishna Singh with Ms.Dimple Ashar, Advocate for Applicant.
Mr.Y.M.Nakhwa, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 15th June 2023

PC :

1. This is an application for suspension of sentence and grant of bail during pendency of Criminal Appeal preferred by applicant challenging the judgment and order dated 13th February 2023 passed by Additional Sessions Judge, Greater Bombay convicting the applicant for offences u/s.399, 402 of IPC and for offence u/s.3 r/w 25 of Arms Act and u/s.37(1)(a) r/w 135 of Maharashtra Police Act. On all the counts applicant is sentenced to suffer rigorous imprisonment and maximum sentence is of five years.

2. Learned advocate for applicant submitted that, the applicant is in custody for a period of 18 months. The prosecution case suffers from serious infirmities. The applicant was arrested on suspicion. The person who was to be allegedly robbed by the accused could not be traced. The appeal may not come up for hearing immediately.

3. Learned APP submitted that, the offence is of serious nature. Reliance is placed on the affidavit in reply filed by investigating officer and it is contended that, there are criminal antecedents against the applicant which includes the case registered for offence u/s.302 of IPC.

4. In rejoinder, learned Advocate for applicant submitted that in case relating to the offence u/s.302, 307 of IPC registered with Mira Road Police Station vide C.R No.153 of 2015, the applicant was granted bail by this Court vide order dated 25th April 2017. Reliance is placed on the copy of order passed by this Court. It is submitted that, all the antecedents referred to the affidavit in reply filed by prosecution are the incidents which had occurred prior to registration of present crime.

5. It is pertinent to note that, the sentence of imprisonment is of five years out of which applicant has undergone imprisonment of 18 months. Appeal may not be heard immediately. Considering all the aforesaid circumstances, sentence of imprisonment can be suspended.

ORDER

(i) Interim Application No.1661 of 2023 and Interim Application No.1662 of 2023 are allowed and disposed off;

(ii) The substantive sentence of imprisonment imposed vide Judgment an Order dated 13th February 2023 in Sessions Case No.120 of 2016 by Additional Sessions Judge, Greater Bombay 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 shall report concerned police station once in six months on first Saturday of the month between 11.00 a.m and 1.00 p.m till final disposal of the appeal.

(PRAKASH D. NAIK, J.)

MST