

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1838 OF 2023

IN

CRIMINAL APPEAL NO.587 OF 2022

Vijay Tulshidas Divekar

...Appellant

vs.

The State of Maharashtra & Anr.

...Respondents

....

Ms. Gunjan Mangala, for the Applicant.

Ms. P.N. Dabholkar, APP, for the Respondent State.

....

**CORAM : RAJESH S. PATIL, J.
(VACATION COURT)**

DATE : 11 MAY 2023

P.C. :

This criminal interim application is filed in a pending criminal appeal, which was admitted on 4 July 2022. The Applicant, by way of this criminal interim application, prays for suspension of sentence imposed by impugned judgment and order dated 26 May 2022, passed by the Additional Sessions Judge, Kalyan in Sessions Case No.74 of 2015.

2. This Court, by its order dated 11 October 2022, passed in Interim Application No.1743 of 2022, rejected the interim application

of the Applicant but, however, expedited the hearing of the appeal.

3. The Applicant, being dissatisfied with the order dated 11 October 2022, passed in Interim Application No.1743 of 2022 filed SLP(Cri.) No.2455 of 2023. The said SLP was disposed of by order dated 28 April 2023. The said order is reproduced hereinbelow for ease of reference:

“Leave granted.

The learned counsel appearing for the parties.

Looking to the facts and circumstances of the case, we are of the view that it is a fit case where the High Court should have granted suspension of sentence and enlarged the appellant on bail.

Accordingly, we direct the High Court to pass an order fixing appropriate terms and conditions on which suspension of sentence shall be granted to the appellant and on which he shall be enlarged on bail.

The High Court shall list the appeal during vacation in the week commencement from 8th May, 2023 and shall pass appropriate orders in above terms.

The appeal is allowed accordingly.”

4. In view of the specific directions given by the Supreme Court, I am of the view that the sentence imposed by judgment and order dated 26 May 2022 is hereby suspended pending the appeal. The

Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties in the like amount. In the meanwhile, the Applicant be released on temporary cash bail of Rs.25,000/-. If the Applicant fails to deposit a sum of Rs.25,000/- within a time-frame of one week, the order granting him bail to stand cancelled without reference to this Court. Bail before the trial court.

5. In view of the same, the interim application is disposed of.
6. Parties to act on authenticated copy of this order.

(RAJESH S. PATIL, J.)