

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1885 OF 2023
IN
CRIMINAL APPEAL NO.557 OF 2023

Sahadev Laxman Dhavare

Applicant

versus

The State of Maharashtra

Respondent

Mr.Aashish Satpute with Mr.Piyush Toshnival, Advocate 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 and Order of conviction.

2. Applicant is convicted for the offence u/s.304(II) and sentenced to suffer imprisonment for three years. The substantive sentence was suspended by the Trial Court for a limited period of 30 days which has been extended by this Court till today.

3. The case of prosecution is that the son of the Applicant aged around 14 years, was driving the vehicle and Applicant was sitting besides him. Applicant's son dashed at a woman aged around 70 years and two other persons. The aged woman died and other persons suffered injuries.

4. Learned advocate for Applicant submitted that Applicant was on bail during trial and he did not misuse the facility of bail. Role attributed to the Applicant was that he was sitting in the vehicle while his son was driving it.

5. Learned APP submitted that it is on account of negligence of the Applicant, the incident had occurred which has resulted in death of one person and injuries to two other persons.

6. The sentence is of short term. It has been suspended by Trial Court for a temporary period. The appeal may not come up for hearing immediately. Considering the circumstances as stated above, the substantive sentence of imprisonment can be suspended.

ORDER

- (i) Interim Application is allowed and disposed off;
- (ii) The sentence of imprisonment imposed vide Judgment and Order dated 17th April 2023 in Sessions Case No.415 of 2021 by Additional Sessions Judge, Pune is suspended and Applicant directed to be released on bail on executing PR bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- (iii) The applicant shall report Khadak Police Station, District Pune, once in six months on first Saturday of the month between 11 am and 1 pm till final hearing of Criminal Appeal.

(PRAKASH D. NAIK, J.)

MST