

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

**INTERIM APPLICATION NO.2612 of 2023
IN
CRIMINAL APPEAL NO. 1350 OF 2012**

Sanjay Shankar Patil
Agt 48 Yrs., R/o. Mazgaon,
Taluka Patan, Dist. Satara
(At present Yerwada Jail) ...Applicant/Appellant

Versus

The State of Maharashtra ...Respondent

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Mrs. Manisha Devkar, Advocate for the Applicant/Appellant.

Mrs. Anamika Malhotra, APP for the Respondent – State.

Mr. R.U. Bhosale (P.S.I.) Satara Headquarters, Present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 21st JULY, 2023

PER COURT:

1. This is an application for suspension of sentence and grant of bail. Vide order dated 11.03.2013, the sentence of imprisonment was suspended and the applicant was directed to be released on bail on furnishing PR. bond in the sum of Rs.15,000/-. Subsequently, vide order dated 22.02.2021, it was directed that the trial Court shall take all the steps to secure applicant's presence including that of issuing proclamation by following due procedure, since the whereabouts of applicant were not known.

2. Pursuant to the aforesaid order, the applicant had surrendered and since last one month he is in custody. It appears that, he was produced before the trial Court and the trial Court had directed him to remain present before this Court and hence the officer from Umbraj Police Station, Dist. Satara has produced the appellant before this Court.

3. Learned counsel for the applicant submitted that the applicant has been convicted for offence punishable under Section 323 of Indian Penal Code and sentenced to suffer imprisonment for six months. Out of the period of six months, the applicant had undergone the period of one month. The family members of applicant is not present. On account of financial constraints, he is not in a position to furnish surety. In the event the sentence is not suspended, the appeal would become infructuous.

4. Considering the aforesaid circumstances, I pass the following order.

ORDER

- i. The sentence of imprisonment imposed vide Judgment and order dated 30.11.2012 passed by the learned Additional Sessions Judge, Karad in Sessions Case No.6 of 2011 is suspended and during the pendency of Criminal Appeal No.1350 of 2012, the applicant is directed to be released on bail on executing P.R. Bond in the sum of Rs.10,000/-.

- ii. In the alternative, the applicant is permitted to furnish cash bail in the sum of Rs.10,000/-.
 - iii. The applicant shall furnish the details of his place of residence after he is released on bail to the Investigating Officer;
 - iv. Interim application stands disposed of accordingly.
5. All the parties to act upon authenticated copy of this order.

(PRAKASH D. NAIK, J.)