

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.982 OF 2023
WITH
INTERIM APPLICATION NO.3331 OF 2023
WITH
INTERIM APPLICATION NO.3320 OF 2023

Somsundaram @ Soman Subayya .. Appellant
Tewar

Versus

The State of Maharashtra .. Respondent

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Mr.Rajendra Prasad Mishra with Mr.Himanshu Singh for the
Applicant/Appellant.

Mr.H.J.Dedhia, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 11th OCTOBER, 2023

P.C:-

1. The Appellant-Somsundaram @ Soman Subayya Tewar is convicted by the learned Additional Sessions Judge, Mumbai in Sessions Case No.2037 of 2019 for committing the offences punishable under Sections 353 and 332 of the Indian Penal Code (for short, “the IPC”). He is sentenced to suffer R.I. for six months, on being convicted under Section 353 of the IPC and R.I. for three months, on being convicted under Section

332 of the IPC. Both the sentences are directed to run concurrently.

2. The Appeal filed by the Appellant is admitted on the ground that the trial Court has failed to appreciate the inconsistencies and discrepancies in the case of the prosecutrix and on that very ground, the Appeal is admitted.

The learned counsel for the Appellant would urge that the Appellant was on bail, during the trial and considering the fixed term of sentence imposed upon him, the same should be suspended, else the Appeal filed by him, would be rendered infructuous.

Hence, in the wake of the decision of the Hon'ble Apex Court in the case of *Bhagwan Rama Shinde Gosai & Ors. Vs. State of Gujarat*¹, I deem it appropriate to grant the applications filed by the Appellant, seeking suspension of sentence and his release on bail. Hence, the following order.

: ORDER :

(a) The sentence imposed on the Appellant/Applicant vide judgment dated 25/01/2023, passed in Sessions Case No.2037 of 2019, stands suspended, during the pendency of the Appeal.

(b) During the pendency of the Appeal, Appellant/Applicant-Somsundaram @ Soman Subayya Tewar shall be released on bail in connection with C.R.No.225 of 2014 registered with Shahu Nagar Police

¹(1999) 4 SCC 421

Station (Sessions Case No.2037 of 2019) on furnishing P.R.Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.

(c) The Appellant shall furnish his contact number and residential address to the concerned police station, where the offence was registered and shall keep it updated, in case there is any change.

3. Both the interim applications stand disposed off in the aforestated terms.

(SMT. BHARATI DANGRE, J.)