



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4077 OF 2023
IN
CRIMINAL APPEAL (STAMP) NO.20709 OF 2023

Vijay Shankar Misal ...Applicant

vs.

The State of Maharashtra ...Respondent

.....

Mr. Prashant S. Hagare, for Applicant.

Mrs. M.H. Mhatre, APP, for Respondent State.

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CORAM : NITIN B. SURYAWANSHI, J.

DATED : 7th NOVEMBER 2023

P. C. :

This is an application for suspension of sentence and grant of bail during the pendency of criminal appeal preferred by Applicant challenging the judgment and conviction.

2. Applicant is convicted by learned Additional Sessions Judge at Baramati in Sessions Case No.26 of 2009 under Section 304 II of the Indian Penal Code and thereby sentenced to suffer rigorous imprisonment for 5 (five) years and to pay fine of Rs.1000/- in default in payment of fine to undergo simple imprisonment for one month.

3. Heard learned Counsel for Appellant/Applicant and learned APP for Respondent-State.

4. Perused the record. Applicant has completed 10 months in incarceration. Sentence imposed on Applicant is short term sentence. His appeal is not likely to be heard in near future. In the wake of decision of **Bhagwan Rama Shinde Gosai and Ors. vs. State of Gujrat**¹ and as there are no exceptional circumstances to refuse bail to Applicant, application deserves to be allowed and the same is allowed in the following terms:

- (i) Interim application is allowed.
- (ii) Substantive sentence of imprisonment imposed vide judgment and order dated 22nd June 2023 in Sessions Case No.26 of 2009 arising out of C.R.No.104 of 2008 registered with Baramati Taluka Police Station is suspended during the pendency of the appeal.
- (iii) Applicant - Vijay Shankar Misal be released on bail on executing PR bond in the sum of Rs.15,000/- with one or more surety in the like amount.
- (iv) Applicant shall attend the concerned police station once a

1 (1999) SCC (Cri.) 553

month on every first Sunday between 10.00 a.m. to 12.00 p.m..

- (v) Applicant shall furnish his residential address and cellphone number/s to the concerned police station.

[NITIN B. SURYAWANSHI, J.]