



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

**INTERIM APPLICATION NO.1063 OF 2019
IN
CRIMINAL APPEAL NO.611 OF 20022**

Piraji Mahadeo Jagdale ... Applicant
Versus
State of Maharashtra
(At the instance of Vita Police Station) ... Respondent

Mr. Chaitanya Malgaonkar a/w Mr. Chirag Shah, Mr. M. Pereira i/b
Mr. Akshay M. Gosavi for the Applicant.

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

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 25 OCTOBER 2023

P.C.

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

2 The Applicant is convicted by the Additional Sessions Judge, at
Sangli in Sessions Case No.251 of 2014 under Sections 304 (Part II)
of the Indian Penal Code vide Section 235(2) of the Code of Criminal
Procedure and sentenced to suffer imprisonment for five years and
to pay fine of Rs.2,000/-.

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

4 Perused the record. Out of sentence of five years imprisonment, the Applicant has undergone three years and three months of imprisonment. Admittedly, the sentence is a short term sentence and the appeal preferred by the Applicant/Appellant is not likely to be heard in near future. In the light of decision of the Apex Court in the case of **Bhagwan Rama Shinde Gosai and Ors. Vs. State of Gujrat**¹, the Applicant deserves to be released on bail. Hence, the following Order :

- (i) The Interim Application is allowed.
- (ii) Substantive sentence of imprisonment imposed vide judgment and order dated 29th July 2019 in Sessions Case No.251 of 2014 is suspended during the pendency of the Appeal.
- (iii) Applicant-Piraji Mahadeo Jagdale be released on bail on executing PR bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iv) Learned Counsel for the Applicant prays for

¹(1999) SCC (Cri.) 553

provisional cash bail, as the Applicant is not in a position to furnish surety.

- (v) Applicant be released on provisional cash security of Rs.25,000/- and on executing PR Bond of the same amount.
- (vi) Applicant shall deposit fine amount, if already not deposited.
- (vii) Applicant shall attend the trial court once in three months on first Monday, until further orders.
- (viii) Applicant shall furnish his permanent address as well as present address to the trial Court along with copies of his Aadhar Card and Cell number/s.

(NITIN B. SURYAWANSHI, J.)