

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 984 OF 2024

IN

CRIMINAL APPEAL NO. 182 OF 2024

Sameer Suresh Patil ... Applicant/Appellant

V/s.

State of Maharashtra ... Respondent

Mr. Viresh Purwant with Mr. Suraj Gadkari and Mahesh Funde, for the appellant/applicant.

Ms. Manisha Tidke, APP, for the State.

CORAM : KISHORE C. SANT, J.

DATE : 3RD MAY 2024.

Digitally
signed by
VARSHA
DEEPAK
GAIKWAD
Date:
2024.05.03
18:13:55
+0530

PC:

1. Heard.

2. This application is filed for suspension of sentence and release of the applicant on bail.

3. The applicant is held guilty by the Additional Sessions Judge, Kalyan in Sessions Case No. 238 of 2014 by the judgment and order dated 17/01/2024 for the offence punishable under section 307 of IPC and is directed to suffer R.I. for 5 years and to pay fine of Rs. 5,000/- and in default, R.I. for 3 months.

4. Learned advocate for the applicant submits that the sentence is a short sentence. The applicant was behind the bar for nine month during the trial and after conviction i.e. from 17th January 2024 he has been taken in custody. Thus he has suffered almost one year and one month out of sentence of 5 years.

5. Learned APP vehemently opposes the application stating that the applicant has used a fire arm, if he is released on bail he may commit similar type of offence.

6. Considering the above submission this Court finds that the sentence is short sentence and out of 5 years he has already undergone almost one year and one month. The fine amount is already paid. The application can be allowed by putting certain conditions on him.

O R D E R

i) Application is allowed.

ii) Substantive sentence awarded by the Additional Sessions Judge, Kalyan in Sessions Case No. 238 of 2014, dated 17/01/2024 , stands suspended.

iii) The applicant shall be released on bail on furnishing P.R. bond of Rs. 15,000/- and one solvent surety in the like amount. During the

pendency of the appeal he shall not use any fire arm if he is found to use fire arm his bail shall be liable to be cancelled.

iv) The applicant shall attend the police station as and when required.

v) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details the same will be immediately informed to the concerned police station.

7. With this, the application is disposed of accordingly.

(KISHORE C. SANT, J)