

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

**INTERIM APPLICATION NO.1405 OF 2024
IN
CRIMINAL APPEAL NO.335 OF 2024**

Ramesh Chagan Bhosale
Versus
The State of Maharashtra

..Applicant

..Respondent

Mr. N. R. Shaikh a/w Kamran Shaikh & Faisal Shaikh, for the Applicant.

Mr. A. R. Patil, APP for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 25th APRIL, 2024

PC.

1. Heard.

2. This Application is filed for suspension of sentence and release of the Applicant on bail. Applicant is convicted for the offence punishable under Section 392 & 395 of IPC and sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs.10,000/-, in default to suffer further rigorous imprisonment for three months. The Appeal is preferred by only one of the accused person. The main ground argued is that the Applicant has suffered more than six years and nine months in jail out of total sentence of ten years, however, the fine amount is not paid.

3. Learned advocate for the Applicant relies upon the judgment of this Court in the case of ***Raju Rambhaw Kavde Vs. The Intelligence Officer, NCB, Mumbai & Anr.*** reported in ***2023(3) AIR Bom.R (Cri) 208***. By relying upon the judgment of this Court, learned counsel addressed that when the accused/Applicant has suffered more than six years of imprisonment out of ten years, he was released on bail. He also relies upon the judgment of the Supreme Court in the case of ***Satender Kumar Antil Vs. CBI & Anr.*** reported in ***AIR OnLine 2022 SC 956***, wherein in view of Section 436A of CrPC, which provides that the accused shall be released on bail on completing one half of the sentence pending trial, applicant was released on bail.

4. Learned APP for the Respondent/State vehemently opposes the Application stating that in the present case, there is clear evidence establishing guilt of the Applicant and instead prays for early date of hearing.

5. Considering that the Applicant has put in more than six years and nine months sentence from the date of his arrest i.e. from 27.07.2017 out of total sentence of ten years, this Court is of the opinion that the Application needs to be allowed. Hence, the following order :-

- i) The Applications stands allowed.

- ii) The substantive sentence awarded by learned Additional Sessions Judge, Malegaon dated 20/02/2024 in Sessions Case No.48 of 2018 stands suspended.
 - iii) Applicant is directed to be released on bail on furnishing PR bond and one solvent surety in the sum of Rs.15,000/-, subject to deposit of fine amount, if already not paid.
 - iv) Applicant shall not contact the victim or any of the witnesses.
 - v) Applicant shall furnish his contact details to the concerned Police Station. If there is any change in the contact details, the same shall be immediately informed to the concerned Police Station.
 - vi) Applicant shall attend the concerned Police Station once in a month i.e. first Sunday of each month between 11:00 a.m. to 01:00 p.m.
6. The Application stands disposed of.

[KISHORE C. SANT, J.]