

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3821 OF 2023

IN

CRIMINAL APPEAL (ST) NO.18501 OF 2023

Bapu Kalu Chavan : Applicant

Vs.

The State of Maharashtra : Respondent

Adv. Adwait Bhonde, for the Applicant.

Adv. H. J. Dedhia, APP for the State.

CORAM : KISHORE C. SANT, J.

DATE : 12TH MARCH, 2024

PC. :

1. Heard.

2. This Application is for suspension of sentence and release of the Applicant on bail in connection with the Judgment an Order dated 18/02/2021 passed by the learned Additional Sessions Judge, Solapur, in Session Case No.97 of 2015.

3. The present Applicant along with others are held guilty for the offences punishable under Sections 307, 332, 353 & 506, read with Section 34 of the Indian Penal Code. He is sentenced as below:-

Sr. No.	Sections	Punishment	Fine Amount
1.	307 of IPC	5 years	Rs. 3000/-, in default, to undergo S.I. for three months.
2.	332 of IPC	1 year	Rs.1,500/-, in default, to undergo S.I. for one month.
3.	353 of IPC	6 months	Rs.500/-, in default, to undergo S.I. for fifteen days.
4.	506 of IPC	6 months	Rs.500/-, in default, to undergo S.I. for fifteen days.

4. Learned Advocate for the Applicant submits that the Applicant has already suffered more than 50% of the sentence as is in jail since 18/02/2021. For a brief period the Applicant was released on temporary bail, in view of the Covid-19 Pandemic. Thereafter he surrendered after some delay. He submits that during the trial the Applicant was on bail there is no complaint of misuse. Learned Advocate thus prays for bail and suspension of sentence.

5. Learned APP submits that from the evidence it is seen that the Applicant was carrying axe. He had raised axe towards the police. When he was released on temporary bail, he did not surrender within time. Looking to the seriousness of the offence, it is not a fit case to grant bail.

6. After hearing the parties & looking at the evidence, this Court finds that there are allegations proved against the Applicant. However considering that a sentence is a short sentence of 5 years and out of the said sentence the Applicant had already suffered more than 50% of this sentence, this Court is inclined to allow the Application. Hence the following order.

ORDER

- a) The Application stands allowed.
- b) The sentence as awarded by the learned Additional Sessions Judge, Solapur, by judgment & order dated 18/02/2021 in Session Case No.97 of 2015, stands suspended.
- c) The Applicant shall be released on bail on furnishing PR. bond and solvent surety in the sum of Rs.15,000/-, subject to condition that if the amount of fine is not deposited the same shall be deposited in the Sessions Court, Solapur.
- d) The Applicant shall not try to contact victim or any person from her family and witnesses.
- e) The Applicant shall keep informed concerned Police Station about his residential address, mobile number etc. and other contact details till the final disposal of the Appeal.

- f) The Applicant shall keep informed about any change in above mentioned contact details immediately to the concerned Police Station.
- g) The Applicant stands disposed of.

(KISHORE C. SANT, J.)