

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3915 OF 2023

IN

CRIMINAL APPEAL NO.1344 OF 2023

Jignesh Manubhai Patel

: Applicant

Vs.

Union Territory of Dadra And Nagar Haveli
And Daman And Diu & Anr.

: Respondents

Adv. Babita P. Pandey a/w Dinesh R. Sonawane i/by Dr. Suresh Mane for
the Applicant.

Adv. Kamar Ali Shaikh h/f Adv. Venegavkar for the Respondent/Union
Territory.

Mr. A. R. Metkari, APP for the State.

CORAM : KISHORE C. SANT, J.

DATE : 6TH MARCH, 2024

PC. :

1. Heard for some time.
2. This Application is filed for suspension of sentence as awarded by the learned Sessions Judge, Daman dated 12/07/2023 in Sessions Case No.22 of 2019 and also for release on bail. The Applicant is convicted for the offence punishable under Section 307 of the IPC. He is directed to suffer R.I. for 5 years and to pay a fine of Rs.10,000/-, in default, he is directed to suffer simple imprisonment for a period of three months.

3. It is argued that the Applicant was arrested on 30/05/2019 and was released on 09/09/2019 on bail during the trial. From the date of judgment i.e. from 12/07/2023 he is again taken in custody. The Applicant has thus undergone more than 13 months of imprisonment. Further argument is made that sentence is a short sentence. The Appeal is not likely to be heard in near future. On merits it is submitted that the offence has committed to his convicting at this of the manner. There is already enmity between the informant and the Accused. The amount of fine is paid on the date of judgment. She thus prays for suspension of sentence.

4. The Application is opposed by the informant as well as by the learned APP. It is submitted that there is sufficient evidence on the record. The witnesses are consistent. Injuries are proved by Medical Evidence. No case is made out to suspend the sentence. It is also submitted that the parties are related to each other. The victim is cousin of the accused. If accused is released on bail, there is threat to the victim and other witnesses. The Application is therefore opposed.

5. This Court is mainly considering this Application, as the sentence is short sentence. Fine amount is already paid. There is no misuse of the liberty by the Applicant. The Appeal is also not likely to be heard in the near future. It would not be desirable to keep the Applicant behind bar

for the indefinite period. The apprehension of the informant can be taken care by imposing certain conditions, hence the following order.

ORDER

- a) The Application stands allowed.
- b) The sentence awarded by the judgment and order passed by learned Sessions Judge, Daman, dated 12/07/2023 in Session Case No.22 of 2019 convicting him for the offence punishable under Section 307 stands suspended.
- c) Applicant shall be released on bail on furnishing PR. bond and solvent surety in the sum of Rs.15,000/-.
- d) Applicant shall not try to contact victim or any person from his family and witnesses.
- e) In case the Applicant is found involved in any criminal activities his bail shall be liable to be cancelled.
- f) Applicant shall mark his presence before the concerned Police Station once in three months i.e. on 1st Sunday of every third month, starting from 17th March, 2024.
- g) Applicant shall furnish contact details including his mobile number etc. to the concerned Police Station.

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

(KISHORE C. SANT, J.)

(Corrected pursuant to speaking to minutes of order dated 14th March, 2024.)