

Adv. Rammani Upadhyay for the Applicant.
Mrs. R.D. Humane, APP for the Respondent/State.
PSI Dinesh Palav, Marine Drive Police Station present.

P.C. :

2. I have heard learned counsel for the applicant and the learned APP for the respondent/State.

3. Learned counsel for the applicant submits that the applicant has a good case on merits. It is submitted that the applicant was on bail during the trial and the sentence imposed on the applicant is for a period of only 3 months. It is thus submitted that during pendency of the appeal, the sentence imposed by the trial Court may be suspended and the applicant be released on bail.

4. On the other hand, learned APP for the respondent/State submits that there are eye-witnesses to the incident. Learned APP submitted that considering the nature of offence, sentence may not be suspended.

5. This court by separate order already admitted the appeal against the conviction filed by the present applicant. The fact that during pendency of the trial, the applicant was on bail is not disputed. Considering the fact that the sentence imposed upon the applicant is for a period of only 3 months, I am inclined to suspend the sentence and release the applicant on bail. In the result, the following order is passed:

ORDER

a] The Application is allowed.

b] The substantive sentence imposed by the trial Court upon the applicant by the judgment and order dated 12th August 2025 passed by the learned Additional Session Judge, Greater Mumbai in Sessions Case No.100812 of 2022 is hereby suspended during pendency of the appeal.

c] The applicant shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

[N.R.BORKAR, J.]