

# Gautam Vishwanath Khandagle vs The State Of Maharashtra on 14 June, 2021

**Author: Revati Mohite Dere**

**Bench: Revati Mohite Dere**

11a. IA 1438-21 in APEAL 442-2021 .

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
INTERIM APPLICATION NO. 1387 OF 2021  
IN  
CRIMINAL APPEAL NO. 442 OF 2021

|                             |               |
|-----------------------------|---------------|
| Gautam Vishwanath Khandagle | ...Applicant  |
| Versus                      |               |
| The State of Maharashtra    | ...Respondent |

Mr. Dilip Shinde for the Applicant.

Mr. S.V.Gavand, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.  
DATE : 14th JUNE, 2021  
(Through Video Conferencing)

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his appeal.
3. The applicant, vide judgment and order dated 22/03/2021

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passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Borivali Division, Dindoshi, in Sessions Case No.213 of 2016, has been convicted and sentenced as under :-

- for the offence punishable under Section 188 of the Indian Penal Code and for contravention of Section 26(2)(iv) punishable under Section 55 of the Food Safety and Standards Act, 2006, to pay the penalty of Rs.30,000/-, in default to undergo the simple imprisonment for 6 months;
- for the offence of contravention of Section 26(2)(i) of the Food Safety and Standards Act, 2006, to suffer rigorous imprisonment for 6 months and to pay fine of Rs.20,000/-, in default to undergo further simple imprisonment for 45 days;

All the substantive sentences were directed to run concurrently.

4. Learned Counsel for the applicant submits that the applicant was on bail, pending trial and even post his conviction, his sentence was suspended by the Trial Court. He submits that the applicant has not abused or misused his liberty whilst on bail.

5. The sentence awarded is a short term sentence. The appeal

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been admitted by a separate order passed today in the aforesaid appeal.  
The same is not likely to be heard in the immediate near future.

6. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his appeal, on the following terms and conditions :-

ORDER

- i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- ii) The applicant shall report to the trial Court, once in six months on the day/date specified by the trial Court, till his appeal is finally disposed of;
- iii) The applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;
- iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the 11a. IA 1438-21 in APEAL 442-2021 .doc prosecution would be at liberty to file an application seeking cancellation of bail.

7. The application is accordingly disposed of.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.