

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2068 OF 2015

IN

CRIMINAL APPEAL NO. 366 OF 2015

Rupchand Hambir Chavan,
Age : 46 years, Occu. Agri.,
R/o Satwadi, Haregaon, Tal.
Shrirampur, Dist. Ahmednagar

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

AND

CRIMINAL APPLICATION NO. 2228 OF 2015

IN

CRIMINAL APPEAL NO. 382 OF 2015

Anil s/o Nandu Pawar,
Age : 26 years, Occu. Cultivator,
R/o Naur Shivar, Taluka
Shrirampur, Dist. Ahmednagar

APPLICANT

VERSUS

The State of Maharashtra
through Taluka Police Station,
Shrirampur

RESPONDENT

Mr. Santosh C. Bhosle, Advocate for the applicant
in Cri. Application No. 2068 of 2015
Mr. Arvind S. Kale, Advocate for the applicant
in Cri. Application No. 2228 of 2015
Mr. S.R. Palnitkar, A.P.P. for the respondent-State
in both the applications

CORAM : M.T. JOSHI, J.

DATE : 24/07/2015

ORAL ORDER :

1. Heard both sides.

2. The present applicants in these two applications, who are convicted by the learned Additional Sessions Judge, Shrirampur, vide judgement and order dated 02.04.2015 in Sessions Case No. 2/2015, for the offences punishable under section 399, 402 of the I.P. Code and under section 4/25 of the Indian Arms Act and sentenced to suffer rigorous imprisonment for a period of seven years, five years and one year, respectively, with direction to pay fine, are praying for suspension of the substantive sentences and for their release on bail.

3. The record reveals that both the present applicants are behind the bars since 2nd November, 2014 i.e. the date of their arrest. The prosecution case would show that they were found hidden in the pit of the field in the night. They had knife and chilly powder with them. In the circumstances, they came to be

convicted for the offence of making preparation for commission of dacoity.

4. Considering the overall facts on record and finding that the present applicants are behind the bars since long and the hearing in the appeals filed by them would take its own time, the substantive sentences awarded to both the present applicants deserve to be suspended and they deserve to be released till disposal of the appeals. Hence, the following order :-

5. The substantive sentences awarded to both the present applicants are hereby suspended till the disposal of the criminal appeals filed by them in this Court.

6. The fine amount was not paid by the applicants/appellants at the time of issuance of the copy of the judgement. In the circumstances, upon deposit of the fine amount, if not paid as yet, or upon presentation of receipt of payment of fine amount by each of the applicants, they be released on bail on each of them executing P.R. bond in the sum of Rs. 30,000/-

(rupees thirty thousand) each and also upon furnishing surety each in the like amount.

7. Both the applications are accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln2068-2228-2015