

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5477 OF 2015 IN
CRIMINAL APPEAL NO. 764 OF 2015

1] Chauranginath Goakshnath Lashkare
 Age : 21 years, Occu.: Labourer,
 R/o. Newasa, Tal. Newasa,
 Dist. Ahmednagar

2] Mohan Suresh Lashkare,
 Age : 27 years, Occu.: Labourer,
 R/o. Newasa, Tal. Newasa,
 Dist. Ahmednagar

.. Applicants/
 Appellants

VERSUS

The State of Maharashtra
 Through Investigating Officer,
 Police Station, Newasa,
 Taluka Newasa, Dist - Ahmednagar

.. Respondent

Mr. P.D. Sangwkar, Advocate for the applicants
 Mr. S.D. Ghayal, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 10/12/2015

ORAL ORDER :

Heard both sides.

2. The present applicants/appellants, who have been convicted by the learned District Judge-1 & Additional Sessions Judge, Newasa vide judgment and order dated 11/08/2015 passed in Sessions Case No. 120 of 2014 for the offences punishable under section 143,

147, 148, 307 r/w. 149 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 2 months each and to pay fine of Rs.1,000/- each, in default to suffer simple imprisonment for 1 month each for the offence punishable under section 143 of the Indian Penal Code, to suffer rigorous imprisonment for 6 months each and to pay fine of Rs.2000/- each, in default to suffer simple imprisonment for 2 months each for the offences punishable under section 147 and 148 of the Indian Penal Code, respectively, and to suffer rigorous imprisonment for 3 years each and to pay fine of Rs.10,000/- each, in default to suffer simple imprisonment for 6 months each for the offences punishable under section 307 r/w. 149 of the Indian Penal Code, are praying for suspension of the substantive sentences during the pendency of the appeal and their release on bail.

3. Submissions from both sides as well as the record would show that as per the prosecution, the present applicant no.2 i.e. original accused no.3 - Mohan Suresh Lashkare, in-fact, was the assailant, who has caused injuries to the victim.

. The learned Sessions Judge has sentenced all the convicted accused including the present applicants/appellants for the offences punishable under section 307 r/w. 149 of the Indian Penal Code to suffer rigorous imprisonment for 3 years each and to pay fine of Rs.10,000/- each, in default to suffer simple imprisonment for 6 months each.

4. Considering the short term sentences awarded, the present applicants/appellants deserves to be released on bail. However, considering the prosecution case against the present applicant no.2 i.e. original accused no.3 - Mohan Suresh Lashkare, that he was the assailant, certain conditions are required to be put while releasing him on bail. In the circumstances, the following order:-

5. The substantive sentences are hereby suspended. Upon deposit of the fine amount, if not deposited till this date, the applicants be released on bail, upon their execution of P.R. bonds in the sum of Rs.20,000/- (Rs. Twenty Thousand) each and also upon furnishing surety each in the like amount.

6. Applicant no.2 i.e. original accused no.3 - Mohan Suresh Lashkare shall not enter the territorial limits of Newasa, District - Ahmednagar for a period of two (2) years or till the present appeal is decided, whichever occurs earlier, without any prior permission from this Court.

7. Hamdast of the present order is granted.

8. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

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