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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION**

**CRIMINAL APPLICATION NO. 218 OF 2015
IN
CRIMINAL APPEAL NO. 217 OF 2015**

Narayan @ Dada Shankar Hande & Ors. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

Mr. Harshad Nimbalkar a/w. Mr. P.G. Sarda for the Applicants.
Smt. V.R. Bhosale, APP for the State.

**CORAM : P.V. HARDAS &
Dr. SHALINI PHANSALKAR-JOSHI, JJ.**

APRIL 17, 2015.

P.C. :-

This is an Application by which the Applicants/Original Accused Nos.1 and 2 seek suspension of the substantive sentence of imprisonment and their enlargement on bail pending the decision of the Appeal.

2. With the assistance of Mr. Nimbalkar, learned Counsel for the Applicants and the learned APP, we have perused the evidence of the prosecution witnesses. The case against the Applicants and the other co-accused is based on circumstantial evidence. Upon such perusal, in our opinion,

this is a fit case for expedited hearing and accordingly, we direct that the Appeal filed by the Applicants as well as the co-accused Criminal Appeal No. 217 of 2015 be listed for final hearing before the Court on 24.4.2015.

3. Registry to ensure that the Record and Proceedings is called for. We dispense with the preparation of a formal paper-book as the depositions of the witnesses have been annexed to the memorandum of Appeal.

4. In the light of the fact that this Court has inclined to fix the Appeal for final hearing, Mr. Nimbalkar, learned Counsel for the Applicants seeks to withdraw this Application with liberty to file an Application afresh in the event the Appeal is not heard within 15 days of 24.4.2015.

5. We, accordingly, dismiss this Application as withdrawn with the liberty as prayed for with the aforesaid directions.

(DR.SHALINI PHANSALKAR-JOSHI, J.) (P.V. HARDAS, J.)