

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.394 OF 2015
IN
CRIMINAL APPEAL NO.387 OF 2015

1) PRABHAKAR DAMODAR GANGURDE)
)
2) RAGHO SAJAN BODHARE)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.B.A.Lawate, Advocate for the Applicants.

Mrs.M.R.Tidke, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 6th APRIL 2015.

P.C. :

1 The appeal filed by the applicants, challenging their conviction and the sentences imposed upon them by the learned Additional Sessions Judge, has already been admitted. By this application, the applicants pray, that the substantive sentences

imposed upon them by the learned Additional Sessions Judge, be suspended, pending the hearing and final disposal of the appeal, and that, they be released on bail.

2 I have heard Mr.B.A.Lawate, the learned counsel for the applicants / appellants, and Mrs.M.R.Tidke, the learned APP for the State. I have been taken through the notes of evidence, a copy of which is annexed to the application.

3 The applicants are alleged to have attempted to commit murder of PW1 Rajendra Sonawane, in furtherance of their common intention. The attempt to commit murder of Rajendra was allegedly done by making him drink some poisonous substance, which was lying outside the house of Rajendra himself. No external injuries were seen on the body of Rajendra. I have been taken through the evidence of Dr.Rahul Patil.

4 Arguable points, needing serious consideration, have been raised.

5 The applicants were on bail during the trial.

6 There is no allegation that they have misused their liberty in any manner.

7 The application is allowed.

8 Pending the hearing and final disposal of the appeal, the substantive sentences imposed upon the applicants / appellants shall stand suspended and the applicants / appellants shall be released on bail in the sum of Rs.15,000/- with one surety in like amount, on the condition that, the applicants / appellants shall report to the trial court on first Monday of every calendar month till the disposal of the appeal against them.

 Should the trial court be closed on any given Monday on account of a holiday, the applicants shall report to the trial court on the next working day.

Any failure on the part of the applicants in reporting to the trial court, shall forthwith be reported by the trial court to this court.

9 The application is allowed in the aforesaid terms.

(ABHAY M. THIPSAY, J.)