

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1159 OF 2015  
IN  
CRIMINAL APPEAL NO. 910 OF 2015

ROHIDAS VYAPARI CHAVAN AND ORS ...Applicants.  
V/S  
THE STATE OF MAHARASHTRA ...Respondent.

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Mr. N. P. DESHPANDE, for the Applicants.

Mrs. P.P. BHOSALE, APP, for the State.

Mr. S.S. Gore, API, Hadapsar Police Station, Pune City present.

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CORAM : A. R. JOSHI, J.

DATE : 8<sup>th</sup> OCTOBER, 2015

P.C.

1. Heard rival submissions on this application for bail during pendency of appeal. Appeal is already admitted in which challenge is to the conviction of the applicant/appellant No.1 for the offence under Section 304(Part II) of IPC. He is sentenced to suffer RI for seven years and to pay fine of Rs.1000/- in default RI for six months. Appellant Nos.2 and 3 are convicted for the offence punishable under Section 323 of IPC and are sentenced to suffer simple imprisonment for three months.

2. During the trial, the applicants were on bail. Though the initial charge against the applicants was for the offence

under Section 302 of IPC, the conviction is brought down to the offence under Section 304 (Part II) of IPC for applicant No.1. This is because of the factual position that during a sudden quarrel on account of ramming of the tempo in the house of the complainant, there was sudden fight and in which wife of the complainant was assaulted on her head by means of the brick by the present applicant/accused No.1. On enquiry by the Court it is stated by the learned APP, on instructions, that the State has not preferred any appeal either for enhancement of the sentence or challenging the acquittal of the applicants for the offence under Section 302 of IPC.

3. Considering these circumstances and considering that the applicants were on bail during the trial, they shall be released on same bail as granted by the trial Court with fresh bonds to be executed before the trial Court. This order shall be effective only after deposition of the entire fine amount by the applicants, if any, awarded by the trial Court. Application is accordingly disposed of.

( A. R. JOSHI, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed order.