

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1677 OF 2014
IN
CRIMINAL APPEAL NO. 1014 OF 2014

1.	Mrs. Savita Yashodeep Vadode	)
2.	Yashodeep Bisanrao Vadode	)
3.	Harinarayan Rajaram Kurane	)
4.	Mrs. Kavita Harinarayan Kurane	)
5.	Naresh Jagan Karote	)..Applicants
vs.		
The State of Maharashtra	...	Respondents

Mr. A.H.H.Ponda a/w Ms. Mallika Ajay Ingale, Advocate for the applicants
Ms.P.P.Shinde, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 6th January, 2015.

P.C.

Heard. This is an application under Section 389 of the Code of Criminal Procedure, 1973, seeking suspension of substantive sentence. The applicants are convicted of the offence punishable under Section 498A read with Section 34 of Indian Penal Code and are sentenced to suffer R.I. for three years each and to pay fine in the sum of Rs.1,000/- each, in default, R.I. for two months by the Addl. Sessions Judge, Greater Mumbai in Sessions Case No. 621 of 2011 along with Sessions Case No.853 of 2011 vide judgment and order dated 9.12.2014.

2. The learned counsel for the applicants submits that the applicants were on bail during the pendency of the trial and have not committed breach of any conditions imposed upon them. Similarly, the sentence imposed upon the applicants is a short-term sentence and that the substantive sentence has been suspended after recording the conviction by the Sessions Court, Greater Mumbai, in order to enable the applicants to file a statutory appeal before the High Court. The learned counsel submits that in view of the fact that the applicants have been acquitted of the offences punishable under Sections 304B and 306 of IPC and that they are convicted only for the offence punishable under Section 498A of IPC, the applicants deserve grant of bail during the pendency of the appeal.

3. Taking into consideration the fact that the applicants are sentenced for a short-term sentence and their substantive sentence has been suspended, this Court is inclined to direct the applicants to be enlarged on bail during the pendency of the appeal.

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicants is hereby suspended. They be enlarged on bail, same bail fresh bonds.

- (iii) The applicants shall furnish fresh bonds within a period of four weeks from the date of this order, failing which the order granting bail stands cancelled.
- (iv) The applicants shall report to the concerned Sessions Court once in six months on the date specified by the concerned Sessions Court. Upon failure to attend on two consecutive dates, the concerned Sessions Court shall inform the High Court forthwith and take appropriate action.

Application is disposed of on the above terms.

(SMT.SADHANA S.JADHAV, J.)