

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD.**

**CRIMINAL APPLICATION NO.5924 OF 2016  
IN  
CRIMINAL APPEAL NO.634 OF 2016**

KALYAN BHAUSAHEB BHAMARE  
AND OTHERS ... APPLICANTS.

VERSUS

THE STATE OF MAHARASHTRA, ... RESPONDENT.

Advocate for Applicants :Mr.Choudhari N.L.  
APP for Respondents/State: Mr.R.B. Bagul.

**CORAM : V.L. ACHLIYA, J.**

**Dated: October 24, 2016.**

PER COURT :-

Heard.

2. The applicants have moved this application seeking bail on the grounds set out in detail in the application.

3. The applicants have been tried for the offences punishable under Sections 363, 364-A, 120-B, 323, 504 and 506 r/w 34 of the Indian Penal Code. On conclusion of the

trial, they were held guilty of the offences punishable under Sections 363, 120-B, 323, 504 and 506 of the Indian Penal Code. The maximum sentence of four years has been awarded for committing an offence under Section 363 r/w 34 of the Indian Penal Code.

4. The learned Counsel for the applicants strenuously contended that there is no cogent, convincing and reliable evidence to sustain the conviction for the said offences. The complaint was lodged after 45 days of the alleged incident. During the trial, the applicants were on bail. The maximum sentence awarded is of four years. It will take long time to hear the appeal and therefore, he urged to release the applicants on bail. He further submits that the fine amount has already been paid.

5. Mr. Bagul, learned APP submits that the prosecution has adduced cogent and convincing

evidence to sustain the charge against the applicants. The delay in lodging FIR has been properly explained. Looking to the nature of evidence, the applicants may not be enlarged on bail.

6. Having appreciated submissions in the light of nature of offence, the sentence awarded, I am of the view that the applicants deserve to be enlarged on bail.

7. Hence, the following order:

I) Pending disposal of the appeal, execution of substantive sentence of imprisonment stands suspended from the date of release of the applicants on bail.

II) Pending disposal of the appeal, each of the applicants be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one surety in the like amount

on the following conditions:

a) The applicants shall appear and record their appearance before the Officer In-charge of Songir Police Station on last Sunday of every month in between 10 to 11 a.m.

b) Each of the applicants shall furnish the names and addresses of his three close relatives with their phone numbers.

c) The applicants shall not cause any threat to the complainant and other prosecution witnesses.

d) The applicants shall not indulge in the act of commission of offence during the pendency of appeal.

III) In the event of non observance of

any of the conditions of bail, the prosecution will be at liberty to move an application for cancellation of bail.

IV) Bail to be furnished in the trial Court.

**( V.L. ACHLIYA, J. )**

PLK/ \*