

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 530 OF 2016
IN
CRIMINAL APPEAL NO. 309 OF 2016

1. Bhauso Gangaram HaraleApplicants
2. Sou. Nilabai Bhauso Harale

V/s.

The State of MaharashtraRespondent

Mr. Kuldeep Patil i/b Mr. Ranjeet H. Patil Advocate for Applicants
Mrs. A. A. Mane APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : APRIL 28, 2016.

PC :

Heard. This is an application under section 389 of Code of Criminal Procedure, 1973 seeking suspension of substantive sentence. Applicants herein are original accused nos. 2 & 3 in Sessions Case No. 100 of 2014. Applicants are convicted for offence punishable under section 306 of Indian Penal Code and sentenced to suffer rigorous imprisonment for 3 years and fine of Rs. 10,000/- in default to suffer rigorous imprisonment for 3 months. They are also convicted for offence punishable under section 498-A of Indian

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Penal Code and sentenced to suffer one year rigorous imprisonment and fine of Rs. 10,000/- in default to undergo rigorous imprisonment of three months by learned Additional Sessions Judge, Sangli vide Judgment and Order dated 28/01/2016.

2) Learned counsel for the applicants submits that original accused no. 1 has been sentenced to substantive sentence of 8 years for offence punishable under section 306 of Indian Penal Code and is in jail. Applicants were on bail during the pendency of trial and have not committed breach of any conditions imposed upon them. The sentence imposed upon the applicants is a short term sentence. Applicants are in-laws of the deceased Kavita who was married to original accused no. 1 for more than 7 years. The principal allegation against present applicants is that they were instigating original accused no. 1 to demand Rs. 50,000/- from deceased Kavita for purchasing agricultural land.

3) In view of this, applicants deserve to be enlarged on bail during the pendency of the appeal.

ORDER

(i) Application is allowed.

(ii) The substantive sentence imposed upon the applicants is hereby

suspended and they be enlarged on bail. Same bail, fresh bonds.

(iii) Applicants shall furnish fresh bail bonds within 3 weeks from today.

Upon failure to furnish fresh bail bonds within stipulated time, Sessions Judge shall issue non-bailable warrant against accused/applicants calling upon them to serve the substantive sentence.

(iv) Applicants shall report to Court of Sessions Sangli once in six months on the date as specified by the Sessions Judge, till the conclusion of appeal.

(v) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.

4) Application is allowed and disposed of in the above terms.

(SMT. SADHANA S. JADHAV, J.)