

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 598 OF 2016
IN
CRIMINAL APPEAL NO. 338 OF 2016

1. Shrimant Bharat Kalbhor	)	
2. Shri Dhiraj Subhash Patil	)..	Applicants
vs.		(Orig. Accused)
The State of Maharashtra	...	Respondent

Mr. Sugandh B. Deshmukh, Advocate for the applicants.
Ms. A.A. Mane, APP, for the State.

CORAM: SMT. SADHANA S. JADHAV, J.
DATE : 4th May, 2016.

P.C.

This is an application under Section 389 of Cr.P.C. seeking suspension of substantive sentence.

2. The applicants herein are convicted for the offence punishable under Sections 11 and 12 of the Protection of Children from Sexual Offences Act read with Sections 341 and 354-D of IPC and sentenced to suffer R.I. for one year and fine of Rs.1000/- each in default S.I. for 15 days by Addl. Sessions Judge, Karad in Sessions Case No. 41 of 2013 vide judgment and order dated 31.3.2016.

3. 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 him. It is further submitted that the sentence imposed upon the applicants is a short-term sentence and it is not likely that the appeal would be heard in the near future.

4. In view of this, the applicants deserve to be enlarged on bail.

ORDER

(i) The application is allowed.

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

(iii) The applicants shall furnish bail bonds within four weeks from today. Upon failure to furnish the fresh bail bonds within four weeks, the learned Sessions Judge, Karad, shall issue non-bailable warrant against the applicants, calling upon them to serve the rest of the sentence.

(iii) The applicants shall cause their appearance before the

Sessions Court, Karad, once in six months on the dates specified by that Court.

(iv) Upon failure to attend the Sessions Court on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.

Application stands disposed of in the above terms.

(SMT.SADHANA S.JADHAV, J.)