

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 150 OF 2016
IN
CRIMINAL APPEAL NO. 82 OF 2016

1 Ashok Namdeo Dhaygude.
2 Gorakh Nivrutti Dhaygude.
3 Arun Namdeo Dhaygude. ... Applicants.
Versus
The State of Maharashtra. ... Respondent.

Mr. B.A. Lawate, advocate for Applicants.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : FEBRUARY 9, 2016

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State.

2 This is an application seeking suspension of substantive
sentence imposed upon the applicants. The applicants herein are
convicted for the offence punishable under Section 323 read with
section 34 of the Indian Penal Code and are sentenced to suffer R.I.

for one year and to pay fine of Rs. 1000/-each, in default to suffer R.I. for one month by District Judge-1 and Additional Sessions Judge, Sangli in Sessions Case No. 162 of 2014 vide Judgment and Order dated 22nd December, 2015.

3 The Learned Counsel for the applicants submits that the applicants were on bail during the pendency of the trial. They are sentenced to a short term sentence and by order dated 22/12/2015 the substantive sentence has been suspended till expiry of appeal period to enable the appellant to file appeal. The learned Counsel submits that the applicants were on bail during pendency of the trial and they have not committed breach of any condition imposed upon them.

4 Taking into consideration the fact that the sentence imposed upon the applicants is a short term sentence, the applicants would be

entitled to the same relief during the pendency of the appeal. Hence, following order is passed :

ORDER

- i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicants is hereby suspended. The applicants be enlarged on bail. Same bail fresh bonds.
- (iii) The applicants shall furnish bail bonds before the Sessions Court within 3 weeks from today. Upon failure to furnish bail bonds within 3 weeks, the learned Sessions Judge shall issue non-bailable warrant against the applicants calling upon them to serve the substantive sentence.
- (iv) The applicants shall furnish their details like residential addresses, contact number like landline number, cell number etc. to the concerned court.

(v) The applicants shall report to the Court of Sessions Judge, Sangli once in six months on the date specified by the concerned Court. Upon failure to attend on two consecutive dates, the prosecution is at liberty to move for cancellation of bail.

5 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)