

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 151 OF 2016
IN
CRIMINAL APPEAL NO. 83 OF 2016

1 Haridas Krushna Sonawane.
2 Mrs. Sharda Haridas Sonawane. ... Applicants.

Versus

The State of Maharashtra. ... Respondent.

Mr. Rajaram V. Bansode, advocate for Applicants.

Ms. V.S. Mhaispurkar, APP for State.

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

P.C.:

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

2 This is an application under Section 389 of the Code of Criminal Procedure, 1973. The applicants herein are convicted of the offence punishable under Section 304 (A) read with Section 34 of the Indian Penal Code and sentenced to suffer R.I. for 2 years each and fine of Rs. 2,000/- each in default S.I. for 3 months. The applicants are also convicted for offence punishable under Section 33 of the Medical Practitioners Act, 1961 and sentenced to suffer R.I. for 2 years each and to pay fine of Rs. 5,000/- each in default to suffer S.I. for 3 months by the Additional Sessions Judge, Kalyan in Sessions Case No. 75 of 2009 vide Judgment and Order dated 4/1/2016.

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 condition imposed upon them. Hence, they are entitled to the extension of the same relief during the pendency of the appeal.

4 The sentence imposed upon the applicants is a short term sentence. This Court is hearing appeals of the year 1996. Hence, this appeal may not be heard in the near future and therefore, the applicants who are sentenced to short term sentence, deserves to be enlarged on bail. Hence, following order is passed:

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 execute bail bonds within 3 weeks from today. Upon failure to execute bail bonds within 3 weeks by the applicants, the learned Additional Sessions Judge, Kalyan shall issue non-bailable warrant upon the applicants to serve the rest of the sentence.
- (iv) The applicants shall report to the Court of Additional Sessions Judge, Kalyan once in six months on the date specified by the concerned Court. Upon failure to attend two consecutive dates, the prosecution is at liberty to move for cancellation of bail.

(iv) The applicants shall furnish their residential address, contact number like, land-line number, cellphone number etc. to the concerned court.

5 The application is disposed of accordingly.

Parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)