

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.259 OF 2016

IN

CRIMINAL APPEAL NO.1113 of 2015

1 Hemant Damodar Rao
2 Mrs.Urmila Damodar Rao .. Applicants
Versus
The State of Maharashtra .. Respondent

Mr.Ganesh Gole, Advocate for the applicants.

Mr. A.R.Patil, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 4th APRIL 2016

P.C. :

1 The Appeal filed by the appellants challenging their conviction and the sentences imposed upon them has already been admitted. By the present application, the applicants pray that the substantive sentences imposed upon them be suspended during the pendency of the Appeal and that they be released on bail.

2 I have heard Mr.Ganesh Gole, learned counsel for the applicants/appellants and Mr.A.R. Patil, learned APP for the State. With their assistance, I have gone through the relevant parts of the judgment, and glanced through the evidence that was recorded during the trial with particular reference to the evidence of PW 1.

3 Apart from the present applicants, three others were also prosecuted before the trial Court. Two of them were acquitted. One of them (appellant no.2) though was convicted was awarded lesser sentences and was released on bail temporarily by the trial Court itself.

4 Even the present applicants were on bail during the trial. They, however, could not be released on bail by the trial Court as the sentences imposed upon them exceeded three years.

5 After carefully considering all the relevant aspects of the matter, I am of the opinion that this is a fit case where the substantive sentences imposed upon the applicants should be suspended during the pendency of the trial. This is particularly so because in the ordinary course, the Appeal is not likely to be heard within a short time.

6 Application is allowed.

7 Pending the hearing and final disposal of the Appeal, the substantive sentences imposed upon the applicants/appellants shall stand suspended and the applicants/appellants shall be released on bail in the sum of Rs.25,000/- each with one surety in like amount, or two sureties in the sum of Rs.12,500/- each, on the condition that they shall report to the trial Court on the first Monday of every calendar month till the disposal of the Appeal.

8 Should the trial Court be closed on any given Monday, the applicants/appellants shall report to the trial Court on the next working day.

(ABHAY M.THIPSAY, J)