

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 273 OF 2016
IN
CRIMINAL APPEAL NO. 161 OF 2016

1 Santosh Dhondirao Temgire.
2 Pramod Dhondirao Temgire.
3 Salim Maula Kudbuddin Mulani.
4 Vivek Sopan Velkar.
5 Santosh Kundalik Kamble.
6 Satish Hanumant Pawar.
7 Dipak Mangaru Walde.
8 Vinod Somayya Chimlla. ... Applicants.

Versus

The State of Maharashtra & ors. ... Respondents.

Mr. Uday B. Nighot, advocate for Applicants.

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

CORAM : SMT. SADHANA S. JADHAV,J
DATE : MARCH 7, 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 seeking suspension of substantive sentence imposed upon the applicants. The applicant herein are original accused Nos. 1 to 8 in Sessions Case No. 639 of 2013. The learned Additional Sessions, Judge, Pune vide Judgment and Order dated 6/2/2016 has been pleased to convict the appellant for the offence punishable under Section 143, 148, 323, 326 read with Section 149 of the Indian Penal Code and sentenced to suffer R.I. for six months for offence under Section 143 r/w. 149 of the I.P.C., to suffer R.I. for two years under Section 148 r/w. 149 of I.P.C., to suffer R.I. for 3 years and to pay fine of Rs. 3000/- each under Section 326 r/w. 149 of I.P.C. , to suffer R.I. for six months under Section 504 r/w. 149 of I.P.C., to suffer R.I. for six months under Section 506 r/w. 149 of the I.P.C.

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 and hence,

deserve extension of the same relief during the pendency of the appeal. It is further submitted that the sentence imposed upon the applicants is a short term sentence. It is not likely that the appeal would be taken up for final hearing in the near future. It is submitted that the applicants have deposited fine amount on 6/2/2016 and substantive sentence has been stayed for the learned Sessions Court in order to enable the applicants to prefer an appeal in the High Court.

4 In view of the fact of the case and the submissions advanced across the bar, the application deserves to be allowed.

5 Hence, following order :

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 bond.

(iii) The applicants shall furnish fresh bail bonds within 3 weeks from today before the Additional Sessions Judge, Pune. In the eventuality that the fresh bail bond is not furnished within 3 weeks from today, the learned Additional Sessions Judge, Pune shall issue non-bailable warrant against the applicants calling upon them to serve the rest of the sentence.

(iv) The applicants shall furnish their residential addresses, contact numbers like landline numbers, cell phone numbers etc. to the concerned Court.

(v) The applicants shall report to the Court of Additional Sessions Judge, Pune once in 6 months on the date specified by the concerned Court. Upon failure to report by the applicant to the concerned court, the prosecution is at liberty to move for cancellation of bail.

6 The application is disposed of accordingly.

The parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)