

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 364 of 2016
ALONG WITH
CRIMINAL APPLICATION No. 365 of 2016
IN
CRIMINAL APPEAL No. 204 of 2016.

Rajkumar @ Pappu Ramfer Harijan & Anr ..Applicants.
Vs
The State of Maharashtra ..Respondent.

Mr Palande a/with Atul Kakade Advocate for the applicants.
Smt. G.P. Mulekar, Anamika Malhotra, APP for the State

CORAM : A.S.GADKARI, J.
DATE : 24th June, 2016

P.C.

- 1) Heard the learned counsel for the applicants.
- 2) The above applications are filed by the applicants for suspension of substantive sentence and for releasing them on bail respectively.
- 3) The applicants are original accused no. 2 and 3 in Sessions Case No. 396 of 2014. The applicants have been convicted by the learned Additional Sessions Judge, Greater Mumbai by its Judgment and Order dated 29.2.2016 under sections 399 and 402 of the IPC and sentenced to suffer rigorous imprisonment for a period of five years and to pay a fine of Rs.1,000/- and Rs.500/- each on the aforesaid two counts respectively. The applicants have been also convicted under section 3 of the Arms Act and sentenced to suffer RI

for one year and to pay a fine of Rs.500/-each. The appeal preferred by the applicants is admitted by this Court on 23.3.2016.

4) The learned counsel for the applicants submitted that the applicants were arrested on 21.8.2013 and were subsequently released on bail. He further submitted that during the pendency of the trial the applicants were on bail. That the applicants have surrendered their bail bonds after the pronouncement of the impugned Judgment and Order on 29.2.2016.

5) The maximum sentence imposed upon the applicants is five years. There is no possibility of the appeal preferred by the applicants being heard in the near future. That the applicants were on bail during the trial and there is no report that the applicants violated any of the bail conditions.

6) In view of the above, I am inclined to release the applicants on bail.

7) Hence, the following order:

:ORDER :

a) The applicants be released on bail on their furnishing a P.R. bond of Rs.20,000/-each with one or more local sureties in the like amount;

b) After their release from jail, the applicants shall attend the Trial Court once in three months on every first Monday of the said month during the pendency of the appeal between 11:00 a.m. to 1:00 p.m;

c) In case of any two consecutive defaults in attending the Trial Court by the applicants the prosecution will be entitled for seeking cancellation of the bail granted by this Court;

8) The applications are allowed in the aforesaid terms.

(A.S.GADKARI, J.)