

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 525 OF 2016
IN
CRIMINAL APPEAL NO. 288 OF 2016

1. Narayan Laxman LadApplicants
2. Sunil @ Prashant Pralhad Lad

V/s.

The State of MaharashtraRespondent

Mr. V. V. Purwant Advocate for Applicants.
Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : APRIL 18, 2016.

PC :

Heard. This is an application under section 389 of Code of Criminal Procedure, 1973 seeking suspension of substantive sentence imposed upon the applicants. Applicants herein are original accused nos. 2 & 4 in Sessions Case No. 125 of 2012. Learned Additional Sessions Judge, Satara vide Judgment and Order dated 04/04/2016 has been pleased to convict the applicants for offence punishable under section 308 r/w 34 of Indian Penal Code and sentenced them to suffer rigorous imprisonment for 3 years and fine

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of Rs. 10,000/- in default to suffer further simple imprisonment for 6 months.

2) Learned counsel for the applicants submits that applicants were on bail during the pendency of the trial and have not committed breach of any conditions imposed upon them and hence, they are entitled to the same relief during the pendency of appeal. Learned Sessions Judge has suspended the substantive sentence after 04/04/2016 in order to enable the applicants to file an appeal to this Court. In any case, the sentence imposed upon the applicants is a short term sentence and hence, they deserve to be enlarged on bail.

ORDER

- (i) Application is allowed.
- (ii) The substantive sentence imposed upon the applicants is hereby suspended and they be enlarged on bail, same bail fresh bonds.
- (iii) Applicants shall furnish fresh bonds before Sessions Court, Satara within 3 weeks from today. Upon failure to furnish fresh bonds within the stipulated time, learned Sessions Judge shall issue non-bailable warrant calling upon the applicants to serve the substantive sentence.
- (iv) Applicants shall attend Court of Sessions Satara, once in six months, on the date specified by the Sessions Court, till the conclusion of the appeal.

- (v) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.
- (vi) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)