

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 673 OF 2016
IN
CRIMINAL APPEAL NO. 389 OF 2016

1.	Baliram Kondu Dhamane	)	
2.	Mahendra Madhukar Shigvan	)	
3.	Sanjay Shabaji Mohite	)	
4.	Pandurang Dhondu Bhosale	)	
5.	Sakharam Hanuvati Golamabde	)	
6.	Ashok Pandurang Ghurup	)	
7.	Shantaram Kondu Dhamane	)	
8.	Suvarna Vijay Ghurup	)	
9.	Asha Hanuvati Patane	)	
10.	Vanita Chandrakant Patane	)	
11.	Suvarna Suresh Kap	)	
12.	Eknath Pandurang Kap	)	
13.	Rajendra Mahadeo Kap	)	
14.	Gajanan Mahadeo Kap	)	
15.	Chandrakant Tulshiram Patane	)	Appellants
	vs.		(Orig. Accused)
	The State of Maharashtra	...	Respondent

Mr. Hrishikesh Chavan, Advocate for the appellants.
Mr. A. R. Patil, APP, for the State.

CORAM: SMT. SADHANA S. JADHAV, J.
DATE : 8th June, 2016.

P.C.

This is an application under Section 389 of Cr.P.C. seeking suspension of substantive sentence imposed upon the applicants. The

applicants herein were tried for an offence punishable under Section 302 read with Section 149 of Indian Penal Code in Sessions case No.70 of 2008. By a judgment and order dated 11.5.2016, the Addl. Sessions Judge, Mangaon, District Raigad has been pleased to acquit the applicants of the offence punishable under Section 302 read with Section 149 of Indian Penal Code and instead convicted the applicants for the offence punishable under Sections 325, 341, 325, 427 read with Section 149 of IPC and sentenced them to the sentences indicated in the order.

2. 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 conditions imposed upon them. It is further submitted that the applicants have been sentenced to short-term sentence and that it is not likely that the appeal would be heard in the near future. On 11.5.2016 itself, the learned Addl. Sessions Judge, Mangaon, has been pleased to suspend the substantive sentence in order to enable the applicants to file a statutory appeal before the High Court.

3. In view of this, the applicants deserve to be enlarged on bail during the pendency of the appeal. Hence, the 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 bonds.
- (iii) The applicants shall furnish bail bonds before the Addl. Sessions Judge, Mangaon, District Raigad within a period of four weeks from today. Upon failure to furnish fresh bail bonds within four weeks from today, the learned Sessions Court shall issue non-bailable warrant against the applicants and call upon them to serve the rest of the sentence.
- (iv) The applicants shall report to the Addl. Sessions Judge, Mangaon, once in six months on the date indicated by the Sessions Court. In case of failure to attend on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.

Application is allowed and disposed of.

(SMT.SADHANA S.JADHAV, J.)