

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 684 OF 2016
IN
CRIMINAL APPEAL NO. 394 OF 2016

Shivaji Sharanappa Natekar & Anr. Vs. The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Mr. Ganesh Gole for Applicants.
Ms. Anamika Malhotra, APP for State.

CORAM : A.S. GADKARI, J.
DATE : 28th June 2016.

P.C.:

- 1) Heard the learned counsel for the applicants and the learned APP.
- 2) This is an application for suspension of sentence and releasing the applicants on bail who are original accused Nos.2 and 3 before the Trial Court.
- 3) The applicants have been convicted under Section 498-A read with 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.1000/- and in default of payment of fine to suffer further rigorous imprisonment for 15 days by the Additional Sessions Judge, Greater Mumbai by its Judgment and Order dated 13.4.2016 in Sessions Case No.100 of 2013. As the sentence imposed upon the

applicants was of three years, the learned Additional Sessions Judge, Greater Mumbai by its Order dated 10.5.2016 granted bail to the applicants as contemplated under Section 389(3) of Cr. P.C. The learned counsel for the applicants submitted that the applicants were on bail during the trial and have not committed any breach of conditions imposed upon them.

4) The sentence imposed upon the applicants is a short term sentence. The applicants were on bail during trial. As of today the substantive sentence imposed upon the applicants has been suspended by the learned Additional Sessions Judge by its aforesaid Order during the period of filing the appeal. In view of the fact that the applicants were on bail during trial and the substantive sentence imposed upon the applicants has been suspended by the learned Trial Court under Section 389 (3) of Cr. P.C. and in view of the fact that the appeal preferred by the applicants is not likely to be heard in near future, I am inclined to release the applicants on bail.

5) Hence, the following Order:

- (i) The applicants be released on bail on their furnishing PR bond of Rs.15,000/- each with one or two local sureties in the like amount.
- (ii) The applicants shall attend the Trial Court once in three months on every 1st Monday between 11.00a.m. to 1.00 p.m.
- (iii) Application is allowed in the aforesaid terms.
- (iv) All concerned to act on authenticated copy of this Order.

(A.S. GADKARI, J.)