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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 902 OF 2016
IN
CRIMINAL APPEAL No. 495 OF 2016

Bhika Bhaguji Khakal and Ors ..Applicants.
Vs
State of Maharashtra ..Respondent.

Mr Aniket Nikam and Santosh Patil i/by Vikas Shivarkar for the
applicants.

Smt. G.P. Mulekar, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 1st August, 2016

P.C.

1) Heard the learned counsel for the applicants and the learned
APP for the State.

2) This is an application for suspension of substantive sentence
and for releasing the applicants on bail.

3) The applicants are convicted for the offences punishable under
sections 143, 147, 354, 451, 323 read with section 149 of the Indian
Penal Code and each of them is sentenced to suffer simple
imprisonment for a term of four years on all counts. Each of them is
also sentenced to pay fine of Rs.10,000/-, in default of payment of
fine to undergo further simple imprisonment for six months by the
learned Special Judge of the Special Court, Niphad, District Nashik
in Special (Atrocity) Case No.3 of 2013 by its Judgment and Order
dated 13/7/2016.

4) Perusal of the testimony of PW 1 Smt. Bhagyashree N. Bhole
reveals that it is difficult to prima facie hold that an offence as

contemplated under Section 354 of the IPC is attracted in the present case. The maximum sentence imposed upon the applicants is simple imprisonment of 4 years. This a short term sentence. There is no possibility of the present appeal being heard on merits in the near future.

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

Hence, the following order.

ORDER

- a) All the applicants be released on bail on their furnishing PR bond of Rs.15,000/-each with one or two separate local sureties in the like amount;
 - b) All the applicants shall attend the Trial Court once in six months on every first Monday of the said month between 11.a.m. to 2.00 p.m. during pendency of the appeal;
 - c) Any two consecutive defaults in attending the Trial Court will entitle the prosecution seeking cancellation of bail granted to the applicants;
- 6) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)