

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.473 OF 2016

IN

CRIMINAL REVISION APPLICATION NO.474 OF 2016

PINTU @ LAXMAN LALA NALAVADE AND ANR.)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Priyendra Sontakke h/f. Mr.V.S.Tadake, Advocate for the Applicants.

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 22nd AUGUST 2016.

P.C. :

1 Learned counsel for applicants prays for suspension of sentence and for grant of bail contending that the total sentence imposed upon applicants is of 18 months out of which they have already undergone 13 months of imprisonment. It is contended that in that view of the matter, application be allowed.

2 Perused the documents filed along with revision application. It appears that both the applicants came to be convicted

by the learned trial court for the offence punishable under Section 392 read with Section 34 of IPC and are directed to undergo rigorous imprisonment for 3 years each, and to pay a fine of Rs.2,000/- each, in default, to suffer rigorous imprisonment for two months.

3 Learned Appellate court partly allowed the appeal by modifying conviction and sentence imposed upon the applicants thereby directing applicants to undergo rigorous imprisonment for 18 months each, and to pay a fine of Rs.1,000/- each, in default, to suffer rigorous imprisonment for two months each.

Learned counsel for applicants submitted that amount of Rs.2,000/- each towards fine is deposited in the trial court.

4 Having considered the facts that accused are already in custody for more than 13 months, who are sentenced to undergo 18 months of imprisonment, application for suspension and for grant of bail is liable to be allowed on this count alone as revision may take sufficient time to be finally heard and decided on merits.

5 In the circumstances, following order is passed :

- i) Applicants shall be released on bail on their executing P.R. Bond in the sum of Rs.20,000/- each, with one surety each, in like amount.
- ii) While on bail, applicants shall mark their presence at Dahiwadi Police Station, District Satara, on the first day of alternate month and shall submit proof of their permanent address with Investigating Officer in the present crime.

6 Application is accordingly disposed of as allowed.

(P N. DESHMUKH, J.)