

dik

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.559 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.539 OF 2016**

Pravin Vasant Bhagat & Anr.	...Applicants
vs	
The State of Maharashtra & Anr.	...Respondents

.....
Mr Gaurav Parkar for the Applicants.
Mr S.V.Gavand APP for the State.
.....

CORAM : P.N.DESHMUKH, J.

03 OCTOBER, 2016

P.C. :

Issue notice to the Respondents. Learned APP accepts notice on behalf of Respondent No.1 - State of Maharashtra. Notice of Respondent No.2 is made returnable on 15 November, 2016.

2 Learned counsel for the applicants seek leave to amend paragraph 1 of the application with reference to sentence imposed upon the applicants under Section 337 of the Indian Penal Code. Leave as prayed is allowed. Amendment to be carried out forthwith. Heard learned counsel for the applicants who has prayed for releasing the applicants on bail, contending

that the applicants have good case on merits as they were not apprehended on the spot nor test-identification parade is held during the course of investigation as such it is submitted that no case is made out by prosecution, establishing involvement of Applicants.

3 Record shows that both the applicants are convicted by the Learned Judicial Magistrate, First Class, for the offence punishable under Section 337 r/w 34 of IPC and are sentenced to suffer S.I. for one month and to pay fine of Rs.500/- each i/d to suffer further S.I. for one week. The applicants are further sentenced to suffer S.I. for six months and to pay fine of Rs.1000/- each i/d to suffer further S.I. for two weeks for the offence p/u/s 3(2)(e) of the Prevention of Public Property Damage Act.

4 Considering the nature of imprisonment as aforesaid and as applicants were on bail pending trial, the application is allowed by passing following order.

ORDER

- (i) The applicants shall be released on bail on executing their P.R. in the sum of Rs.15,000/- each with one surety in the like amount;

- (ii) While on bail the applicants shall mark their presence to

the Alibaug Police Station once in six months on the first day of each such month, pending appeal;

- (iii) The applicants shall furnish proof of their residential address with Alibaug Police Station and shall update the same if changed in future.

6 The application is disposed of accordingly.

(P.N.DESHMUKH J.)