

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1292 OF 2016
IN
CRIMINAL APPEAL NO. 656 OF 2016**

1. Sadashiv Vasudeo Terve,	
2. Rajendra Sadashiv Terve,	
3. Dilip Sadashiv Terve,	
4. Dhananjay Sadashiv Terve	...Applicants
Versus	
State of Maharashtra	...Respondent

Mr. P. G. Chavan for the Applicants

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

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 22nd DECEMBER, 2016

P.C. :

1. Heard learned Counsel for the applicant and learned A.P.P.

2. The applicants have been convicted and sentenced, by the learned Additional Sessions Judge, Pandharpur, vide Judgment and Order dated 24th August, 2016, as under;
 - the applicant No. 2-Rajendra Sadashiv Terve has been convicted for the offence punishable under Section 307 of the Indian Penal Code ('IPC')

and is sentenced to suffer RI for 7 years and to pay fine of Rs. 5,000/-, in default, to suffer RI for 1 year;

- for the offence punishable under Section 326 of the IPC, to undergo RI for 7 years and to pay fine of Rs. 5,000/-, in default, to suffer RI for 1 year;

- for the offence punishable under Section 324 of the IPC, to undergo RI for 2 years and to pay fine of Rs. 3,000/-, in default, to suffer SI for 6 months;

- for the offence punishable under Section 323 of the IPC, to undergo RI for 1 year and to pay fine of Rs. 1,000/-, in default, to suffer SI for 3 months;

- for the offence punishable under Section 504 of the IPC, to undergo SI for 1 year and to pay fine of Rs. 1,000/-, in default, to suffer SI for 3 months;

- for the offence punishable under Section 506 of the IPC, to undergo SI for 1 year and to pay fine of Rs. 1,000/-, in default, to suffer SI for 3 months;

- Applicant No. 3-Dilip Sadashiv Terve and accused No. 4- Dhananjay Sadashiv Terve are convicted for the offences punishable under Sections

324, 323, 504, 506 r/w Section 34 of the IPC and the maximum sentence awarded is for the offence punishable under Section 324, which is RI for 2 years and fine of Rs. 3,000/- each, in default, to suffer SI for 6 months;

– Applicant No. 1-Sadashiv Vasudeo Terve is convicted only for the offence punishable under Sections 504 and 506 of the IPC and is sentenced to suffer SI for 1 year for each offence and to pay fine of Rs. 1,000/- for each offence, in default, to undergo SI for 3 months for each offence.

– All sentences are directed to run concurrently.

3. The sentence of the applicant Nos. 1, 3 and 4 has been suspended by the learned Judge, after conviction under Section 389 Cr. P.C. and as such they are presently on bail. As far as applicant No. 2 is concerned, considering the sentence awarded, he is presently in custody. It is not disputed that all the applicants were on bail, pending trial and that they have not abused or misused the liberty granted to them. The Appeal has been admitted on 17th October, 2016 and the same is not likely to come up for the hearing in the immediate near future.

4. Considering the aforesaid, the application is allowed and the

applicants' sentence is suspended and the applicants are enlarged on bail, pending the hearing and final disposal of their Appeal, on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each, with one or two local sureties in the like amount;
- (ii) The applicant No.2- Rajendra Sadashiv Terve shall attend the trial Court on the first Monday once in three months between 10:00 a.m. to 11:00 a.m. commencing from January, 2017, pending the hearing and final disposal of the Appeal. If first Monday falls on a holiday, the applicant No.2 shall attend the trial Court on the following working day;
- (iii) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court and to the concerned Police Station, in writing.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.