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

**CRIMINAL APPLICATION NO.1483 OF 2016
IN
CRIMINAL APPEAL NO.743 OF 2016**

1. Sanjay Haribhau Patil	
2. Shrikant Haribhau Patil	
3. Bhairavnath Bhau Patil	
4. Pandurang Bhau Patil	
5. Digambar Bhairavnath Patil	
6. Vinayak Satappa Gaikwad	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.S.A.Ingawale, for the Applicants.

Mr.Niranjan Mundargi a/w Mr.A.S.Patil, for the Original Complainant.

Ms.A.A.Takalkar, A.P.P for the Respondent-State

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

P.C. :

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

2. The applicants have been convicted by the learned Sessions Judge, Kolhapur, vide Judgment and Order dated 5th November, 2016, in

Sessions Case No.82 of 2009, for the offences punishable under Sections 325 r/w 149 of the Indian Penal Code and under Sections 323 r/w 149 of the Indian Penal Code. The applicant Nos.1 to 5 have been sentenced to suffer R.I for 5 years each and to pay fine of Rs.5000/- each, in default to undergo R.I. for 6 months for the offences under Sections 325 r/w 149 of the Indian Penal Code and for the offence punishable under Sections 323 r/w 149 of Indian Penal Code, they have been sentenced to suffer S.I for 6 months each and to pay fine of Rs.1,000/- each in default to suffer S.I. for 2 months. The Applicant No.6 has been sentenced to suffer R.I for 1 year and to pay fine of Rs.5000/-, in default to undergo R.I. for 2 months for the offence punishable under Sections 325 r/w 149 of the Indian Penal Code and to suffer S.I for 6 months and to pay fine of Rs.1,000/- in default to suffer S.I. for 2 months, for the offence punishable under Section 323 r/w Section 149 of Indian Penal Code. The Applicants are however acquitted of the offences punishable under Sections 120B, 302 r/w Sections 149, 504 r/w Sections 149 and 506 r/w Section 149 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

3. Learned Counsel for the applicants states that the applicants

were on bail, pending trial.

4. Learned APP and the learned counsel for the original complainant states that after the applicants were enlarged on bail on 1st April, 2010, the applicants have committed offences punishable under Sections 395 and 504 of the Indian Penal Code and that the said case is pending against them. They further submit that an NC was also lodged as against the applicants in the year 2014.

5. Perused the papers. It appears that the complainant has filed an Appeal against acquittal of the applicants from the offences punishable Sections 120B, 302 r/w Sections 149, 504 r/w Sections 149 and 506 r/w Section 149 of the Indian Penal Code and under Section 135 of the Bombay Police Act and that the said appeal has been admitted by the Division Bench of this Court. The aforesaid Appeal has been admitted by this Court vide order dated 7th December, 2016. Although, it appears that a case was registered as against the applicants in 2010 alleging offences punishable under Sections 395 and 504 of the Indian Penal Code, no application was filed either by the prosecution or the complainant seeking cancellation of

the applicants' bail.

6. Considering the sentence awarded and the fact that the appeal is not likely to come up for the hearing in the immediate near future, the application is allowed. The applicants' sentences are suspended and they 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.25,000/- each with one or two sureties in the like amount;

(ii) The Applicant No.1 shall not enter the jurisdiction of Murgud Police Station, pending the hearing and final disposal of the Appeal. The applicant No.1 is however permitted to apply for relaxation of the said condition, after a period of one year from today;

(iii) The Applicant No.1 shall attend the trial Court on the first Monday once in three months between 11:00 a.m. to 12:00 noon,

commencing from January, 2017, pending the hearing and final disposal of the Appeal. If the first Monday falls on a holiday, the applicant No.1, shall attend the trial Court on the following working day;

(iv) The applicants shall not contact/intimidate the complainant.

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

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

REVATI MOHITE DERE, J.