

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.19 OF 2017
IN
CRIMINAL APPEAL NO.2 OF 2017**

1. Mr. Jaysing Bhanudas Khandave
2. Mr. Anil Sakharam Kaware .. Applicants

Versus

The State of Maharashtra .. Respondent

Mr. Abhay D. Ostwal, Advocate for the applicants
Mr.K.S.Hoke Patil, APP for the respondent/State

**CORAM : V.L.ACHLIYA, J.
DATED : 05.01.2017**

P.C. :-

1. The applicants have moved this application seeking suspension of sentence and bail during pendency of the appeal on the ground set out in detail in the application.

2. The applicants were tried for the offence punishable under Sections 324, 323 504 & 506 r/w 34 of Indian Penal Code. Section 4/25 of Arms Act and Section 37(1)(3)/135 of Bombay Police Act. Though offences are triable by Court of Magistrate, the case was tried before

Sessions Court as counter case being triable by Court of Sessions.

3. On conclusion of trial the learned Additional Sessions Judge, Ahmednagar the appellants are acquitted from the offences punishable U/s. 324 r/w 34 of IPC and Section 37(1)(3)/135 of Bombay Police Act and u/s. 4/25 of Arms Act. They were held guilty of committing offences punishable U/s. 323, 504 and 506 r/w Section 34 of IPC and awarded separate sentences. The maximum sentence awarded is R.I. for one year.

4. Upon considering the nature of the offences sentence awarded and overall facts of the case I am of the view that the case is made out to entertain the application. Hence the following order:

ORDER

i. Application is allowed in terms of prayer clause (B).

ii. Pending disposal of appeal the applicants be released on same bail but on execution of fresh bail bond with one surety in like amount on following conditions.

(3)

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(a) Pending disposal of appeal the applicants shall mark their attendance before the MIDC Police Station, Ahmednagar Dist. Ahmednagar on last Sunday of each month in between 10 a.m. to 11 a.m.

(b) The applicants shall furnish the names and addresses of his 3 close relatives with their phone numbers.

(c) The applicants shall not cause threat to complainant and other prosecution witnesses.

(d) In the event of change in address the applicants shall intimate concerned police station as well as this court.

iii. In the event of breach of any of the conditions, the bail granted to the applicants shall be liable to be canceled.

[V.L.ACHLIYA, J.]