

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

**CRIMINAL APPLICATION NO.1078 OF 2017
IN
CRIMINAL APPEAL NO.67 OF 2017**

Sachin Ashok Wahulkar .. Applicant
and another

Versus

The State of Maharashtra .. Respondent

Mr.Somnath G. Ladda, Advocate for the applicant
Mr.K.S.Hoke Patil, APP for the respondent/State

**CORAM : V.L.ACHLIYA, J.
DATED : 01.03.2017**

P.C. :-

. The applicants have moved this application seeking suspension of sentence and release on bail during the pendency of the trial on the ground set out in detailed in the application and the memo of appeal.

2. Heard learned counsel for the applicants and learned APP for the respondent/State.

3. The applicants were tried for committing offences punishable under Sections 306, 323, 354, 363, 452, 504,506 r/w 34 of the Indian Penal Code, 1860. On conclusion of the trial the applicants are convicted for

the offences punishable under Sections 323,452, 506, 306 r/w 34 of the Indian Penal Code and passed the separate sentences for each of the offences. The maximum sentence awarded is of two years for committing offence punishable under Section 306 of the Indian Penal Code. The sentence ordered to be run concurrently. During the trial the applicants claim to be on bail. Learned counsel submits that the applicants have deposited the fine and further the trial Court has suspended the sentence in order to enable the applicants to prefer an appeal.

4. Having regard to the submissions advanced, over all facts of the case, the nature of offences and the sentence awarded, I am of the view the case is made out to entertain the application seeking suspension of sentence and enlargement of applicants on bail during the pendency of the appeal. Hence the following order.

ORDER

I) Application is allowed.

II) Pending disposal of appeal the execution of substantive sentence awarded to the applicants stands suspended subject to deposit of fine.

III] Pending disposal of appeal the applicants namely Sachin Ashok Wahulkar and Ganesh Vishwanath Magar be released on bail on their furnishing bail in the sum of Rs.25,000/- each with one surety in like amount on the following conditions.

- a) The applicants shall mark their attendance before the Usmanpura Police Station, Aurangabad on last day of each month in between 10.00 am to 11.00 am. till final disposal of the appeal.
- b) The applicants shall furnish the names and addresses of their 3 close relatives with 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.
- e) During pending of the appeal the applicants shall not involve in any criminal case.

IV) In the event of breach of any of the

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conditions, the bail granted to the applicants liable to be canceled.

V) Bail to be furnished before the trial Court. In case the bail is not furnished before the trial Court within two weeks from the date of this order, the order of suspension of sentence stands re-called and canceled.

VI) The trial Court is directed to report the compliance of furnishing of bail within three weeks to this Court.

VII) The Office In-Charge of the Usmanpura Police Station, Aurangabad is directed to submit the report of compliance of conditions of bail after every six months till final disposal of the appeal.

[V.L.ACHLIYA,J.]