

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD

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|-----------------------------------------------------------------------------------------------------------------------|--|---------------------------|
| Office Notes, Office<br>Memoranda of Coram,<br>appearances, Court's<br>orders or directions<br>and Registrar's orders |  | Court's or Judge's orders |
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**CRIMINAL APPLICATION NO.2847/2017**

**IN**

**CRIMINAL APPEAL NO.233/2017**

GANPATRAO MADHAVRAO MUNGDE & OTHERS

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Bilolikar  
Upendra B.

APP for Respondents/State:Mr. .

...

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

**Dated: 14<sup>th</sup> June, 2017**

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The applicants have preferred this application seeking suspension of the sentence and released on bail during pendency of the appeal on the grounds set out in the application.

2. Heard learned counsel for the applicants-appellants and learned APP for the respondent-State. Perused impugned judgment and order passed by the Trial Court. The applicants were tried for committing offences punishable under section 143, 147, 148, 326, 324, 323, 504, 506, 447, 307 r.w. 149 of the Indian Penal Code. On conclusion of trial the learned Additional

Session Judge pleased to convict the applicants-accused under section 324, 447 read with section 149 and section 143, 147 of the Indian Penal Code. The maximum sentence awarded is of three years for committing offence punishable under section 324 of the Indian Penal Code. Learned counsel for the applicants-accused submit that the applicants-appellants have good case to succeed in appeal. During the trial the applicants-appellants were on bail. On conclusion of trial the trial court has suspended the sentence.

3. By referring the injuries sustained by the injured witnesses examined by the prosecution, the learned counsel for the applicants-accused submits that, the injuries were found to be simple in nature. He submits that there is no cogent, convincing and reliable evidence to sustain the conviction. Therefore, urged to enlarge the applicants on bail.

4. On the other hand learned APP for the respondent-State has opposed the application with contention that there is direct evidence to connect the applicants-accused with the offences, for which they have been convicted. She submits that, if the applicants are enlarged on bail they may cause threats to the complainant and other witnesses and

possibility of their absconding cannot be ruled out.

5. Having appreciated the submissions advanced in the light of overall facts of the case, nature of the offence, the reasons and findings recorded by the trial Court and the sentence awarded, I am of the view that, the case is made out to entertain the application. Looking to pendency of cases, it may not be possible to immediately take up this appeal for final hearing. It is therefore desirable to enlarge the applicants-accused on bail. I am, therefore, inclined to entertain the application and pass the following order:

**ORDER**

- (1) Pending disposal of the appeal, the execution of substantive sentence stands suspended subject to deposit of fine amount.
- (2) Pending disposal of the appeal, the applicants be released on bail on each of them furnishing bail in the sum of Rs. 25,000/- (Rupees twenty five thousand) each with one surety in the like amount, on following conditions.
  - (i) Pending disposal of the appeal, the applicants shall attend Degloor Tq. Degloor District Nanded, on last day of each month.
  - (ii) The applicants shall not indulge into any offence of

similar nature during the pendency of the Appeal.

(iii) The applicants shall furnish the names of their three close relatives with their addresses and phone numbers.

(3) In the event of breach of any of the conditions of bail, the bail granted to the applicants will be liable to be cancelled.

(4) Bail be furnished in the trial Court.

(5) The Officer In-charge of the Police Station, Degloor is directed to submit the report of compliance of conditions of bail after every six months.

6. Criminal Applications stand disposed of in above terms.

**(V.L. ACHLIYA, J)**