

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

**904 CRIMINAL APPLICATION NO. 3325 OF 2017
IN
CRIMINAL APPEAL NO. 291 OF 2017**

Bablu @ Vishwanath Radhakrishna
Waghule & Anr.

..... APPLICANTS

V E R S U S

The State of Maharashtra

..... RESPONDENT

.....

Mr. V.B.Jadhav h/f Mr. A.V.Hon, Advocate
for Applicants.

Mr. S.Y.Mahajan, A.P.P. for Resp. - State.

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CORAM : V.L.ACHLIYA, J.

DATE : 4th JULY, 2017

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ORDER :

1. Being aggrieved by the Judgment and order dated 07/06/2017 passed by the Additional Sessions Judge, Shrirampur, district Ahmednagar convicting applicant No. 1 for the offence punishable u/s 354 and 451

of the Indian Penal Code and applicant No. 2 for the offence punishable u/s 451 of the Indian Penal Code and sentenced applicant No. 1 to suffer rigorous imprisonment for one year and to pay fine of Rs. 5,000/- and rigorous imprisonment for six months and to pay fine of Rs. 2,000/- as well as sentenced applicant No. 2 to suffer rigorous imprisonment for six months and to pay fine of Rs. 2,000/-, the applicants have preferred this Appeal.

2. Heard learned counsel for the applicants and learned A.P.P. for the respondent – State.

3. Considering the nature of offence and sentence awarded, I am of the view that pending disposal of Appeal, the substantive sentence needs to be suspended and the applicants deserve to be enlarged on bail. During trial, the applicants were on bail. In order to prefer Appeal, trial Court has suspended the sentence. Learned counsel for the applicants submits that fine amount as well as compensation has been deposited by the applicants. I am, therefore, inclined to allow 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 by the applicants.

[2] Pending disposal of the appeal, Applicant No. 1 Bablu @ Vishwanath Radhakrishna Waghule be enlarged on bail on his furnishing bail in the sum of ₹ 50,000/- [Rupees Fifty Thousand] and applicant No. 2 Chotya @ Akshaya Raosaheb Waghule be enlarged on bail on his furnishing bail in the sum of ₹ 25,000/- [Rupees Twenty Five Thousand] with one or two sureties in like amount on following conditions.

[i] Pending disposal of the Appeal, applicant Nos. 1 and 2 shall appear and record their appearance before Police Inspector of Shrirampur Taluka Police Station, Dist. Ahmednagar on last day of each month in between 5.00 to 8.00 p.m.

[ii] Applicant Nos. 1 and 2 shall not leave jurisdiction of Shrirampur Taluka Police Station, Dist. Ahmednagar without intimating the Police Inspector of

concerned Police Station.

[iii] Applicant Nos. 1 and 2 shall not indulge in the commission of similar offence.

[iv] Applicant Nos. 1 and 2 shall furnish the names and addresses of their three close relatives.

[3] In case of breach of any condition, the bail granted to the applicants shall be liable to be cancelled.

[4] Police Inspector of Shrirampur Taluka Police Station, Dist. Ahmednagar is directed to submit the report in respect of compliance of conditions after every six months.

[5] Bail to be furnished in the trial Court within the period of suspension as ordered by the trial Court or within one week from the date of order. Failure to furnish the bail within the stipulated period, the order of grant of bail stands cancelled. Compliance report be sent to this Court.

[V.L.ACHLIYA, J.]