

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

**CRIMINAL APPLICATION NO.37 OF 2017
IN
CRIMINAL APPEAL NO.18 OF 2017**

Santosh Fakira Salunkhe & Anr. ... **Applicants**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Prakash L. Shetty, Advocate for the Applicants.

Mr.A.D.Kamkhedkar, APP for the Respondent/State.

....

CORAM : A. M. BADAR J.

DATED : 17th JANUARY 2017.

P.C . :

1 This is an application for suspension of sentence and releasing the applicants/accused on bail during pendency of the appeal.

2 Applicants/accused are convicted of offence punishable under Section 326 read with Section 34 of the Indian Penal Code ("the IPC" for the sake of brevity). They are sentenced to suffer rigorous imprisonment for three years apart from payment of fine. Applicants are acquitted of offences punishable under Sections 143, 147, 148, 307, 504 read with Section 149 of the IPC apart from offence punishable under Maharashtra Police Act.

3 Heard both sides and perused the impugned Judgment and Order. Applicants/accused were on bail during pendency of trial. Ultimately, they are convicted for minor offence and sentenced to suffer rigorous imprisonment for three years. Hearing of appeal will take its own time. Therefore, the order :

- i) The application is allowed.
- ii) The substantive sentence of imprisonment imposed upon the applicants is suspended and they are directed to be released on bail on executing PR bond of Rs.15,000/- each and on furnishing surety in the like amount by each of them.
- iii) The application is disposed of accordingly.

(A. M. BADAR J.)