

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.318 OF 2017

IN

CRIMINAL APPEAL NO.169 OF 2017

JAGADISH PANDURANG NIKAM AND ORS.)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Ms.Priyanka Dave i/b. Mr.Rahul Kate, Advocate for the Applicants.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 7th MARCH 2017.

P.C. :

1 This is an application for suspension of sentence and release of applicants / original accused nos.1 to 5 and 7 on bail during pendency of the appeal filed by him. They are convicted of offences punishable under Sections 143, 324 read with 149, 342 read with 149 and 365 read with 149 of the IPC. For the offence punishable under Section 365 read with 149 of the IPC, applicants / original accused nos.1 to 5 and 7 are sentenced to suffer

rigorous imprisonment for 2 years apart from payment of fine of Rs.1,000/- by each of them. Lesser sentence has been imposed on them for other offences and substantive sentences imposed against them are directed to run concurrently.

2 Heard the learned advocate appearing for applicants / original accused nos.1 to 5 and 7. She argued that there is no evidence connecting applicants / original accused nos.1 to 5 and 7 to the crime in question and considering short sentence imposed on applicants / original accused nos.1 to 5 and 7, which is even suspended by the learned trial court, they deserve liberty during pendency of their appeal.

3 The learned APP opposed the application by contending that the crime in question is serious and applicants /original accused nos.1 to 5 and 7 had abducted informant Hanumant. He was wrongfully confined secretly and was assaulted by them.

4 I have considered the rival submissions and also perused copies of deposition of witnesses examined by the prosecution. Short sentence has been imposed upon applicants / original accused nos.1 to 5 and 7 by the learned trial court and it is also suspended by the learned trial court. Hearing of the appeal will take its own time and therefore the order :

- i) The application is allowed.
- ii) Substantive sentence of imprisonment imposed upon applicants / original accused nos.1 to 5 and 7 is suspended and they are directed to be released on bail on their executing P.R.Bond in the sum of Rs.15,000/- each and on furnishing surety in like amount, by each of them.
- iii) As a condition of this order, applicants / original accused nos.1 to 5 and 7 should not contact the alleged victim of the crime in any manner and they should not extend any threat to him, during pendency of the appeal.

(A. M. BADAR, J.)