

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

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.403 OF 2017**

**IN**

**CRIMINAL APPEAL NO.231 OF 2017**

1) SAVITA W/o.HARISHANKAR AMBICA     )  
PRASAD SINGH                                     )  
                                                           )  
2) HARISHANKAR AMBICA PRASAD SINGH )...APPLICANTS

V/s.

UNION OF INDIA AND ANR.                                     )...RESPONDENTS

Mr.Aabad Ponda a/w. Mr.Ashish Raghuvanshi, Advocate for the Applicants.

Mrs.Purnima Kantharia, Advocate for Respondent No.1.

Ms.V.S.Mhaispurkar, APP for the Respondent - State.

**CORAM     :     A. M. BADAR, J.**

**DATE       :     6<sup>th</sup> APRIL 2017**

**P.C. :**

1           This is an application for suspension of sentence and releasing applicants / accused on bail during pendency of the appeal filed by them before this court.

2            Heard both sides. Perused the impugned judgment and order of conviction. Applicants, who were original accused nos.2 and 3 are sentenced to suffer rigorous imprisonment for five years apart from payment of fine of Rs.10,000/- and in default, to undergo further rigorous imprisonment for six months for the offence punishable under Section 201 read with 34 of the IPC.

3            Heard both sides. The learned advocate for applicants / accused argued that the offence punishable under Section 201 read with 34 of the IPC is a bailable offence and as both applicants / accused have preferred appeal which was found fit for admission by this court, they may be enlarged on bail.

4            The learned prosecutor opposed the application by contending that presence of applicants at the time of commission of offence is seen from the impugned judgment and order.

5            I have carefully considered the rival submissions and perused the impugned judgment and order. The offence alleged

against both applicants / accused is bailable in nature and short sentence of imprisonment is imposed on them. Hearing of the appeal will take its own time. Hence the following order :

- i) The order dated 15<sup>th</sup> March 2017 is confirmed on same terms and conditions.

**(A. M. BADAR, J.)**