

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.476 OF 2017
(For Bail)**

**IN
CRIMINAL APPEAL NO.273 OF 2017**

**WITH
CRIMINAL APPLICATION NO.477 OF 2017
(For Suspension of sentence)**

**IN
CRIMINAL APPEAL NO.273 OF 2017**

- | | | |
|----|---------------------------------|-------------|
| 1. | Dilip Ramchandra Bhadavkar | .Applicants |
| 2. | Suresh Nathu Gosavi | |
| 3. | Kishor Ramchandra Bhadavkar | |
| 4. | Narayan alias Gotya Damu Gosavi | |
| 5. | Mohan Laxman Gosavi | |

Vs.

The State of Maharashtra	.Respondent
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Mr.A.P.Mundargi, Senior Counsel i/b. Mr.S.R.Pawar, for the Applicants

Mr.S.R.Agarkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.06.2017s

P.C.

. Heard learned senior counsel for the Applicants and the learned APP for the Respondent – State.

2. By these Applications, the Applicants seek suspension of their sentence and their enlargement on bail,

pending the hearing and final disposal of the aforesaid Appeal.

3. Learned counsel for the Applicants submits that the Applicants were on bail pending the trial and have not abused or misused the conditions of bail.

4. Learned APP does not dispute the aforesaid.

5. The Appeal preferred by the Applicants was admitted by this Court vide Order dated 30.03.2017. All the Applicants have been convicted by the learned Additional Sessions Judge, Mangaon, District - Raigad vide Judgment and Order dated 22.03.2017 for the offence punishable under Section 307 r/w. 149 of the Indian Penal Code and have been sentenced to suffer R.I. for seven years and to pay fine of Rs.15,000/- each, in default to suffer S.I. for six months. In addition to the aforesaid, the Applicants have also been convicted for the offences punishable under Sections 325 r/w. 149, 323 r/w. 149, 143 & 147 and have been awarded separate sentences. All the sentences are directed to run concurrently. It is not in dispute that the Applicants were on bail pending the trial and have not abused or misused the conditions of bail. The Appeal is not likely

to be heard in the immediate near future.

6. Considering the aforesaid, the Applications are allowed. The Applicants' sentence is suspended and they are enlarged on bail pending the hearing and final disposal of their Appeal on the following terms & conditions :-

O R D E R

(i) The Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/- each** with one or two sureties in the like amount;

(ii) The Applicants shall report to the trial Court **once in three months** on the **1st Monday**. If the 1st Monday is a holiday, on the next working day, till the aforesaid Appeal is finally decided.

7. Accordingly, the Applications are disposed of on the aforesaid terms.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)