

Anand

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

CRIMINAL APPLICATION NO.225 OF 2017

(For suspension of sentence)

IN

CRI. REVISION APPLICATION NO.218 OF 2017

WITH

CRIMINAL APPLICATION NO.224 OF 2017

(For bail)

IN

CRI. REVISION APPLICATION NO.218 OF 2017

WITH

CRIMINAL APPLICATION NO.352 OF 2017

(For exemption from surrendering)

IN

CRI. REVISION APPLICATION NO.218 OF 2017

1. Dildar Singh Makani .Applicants
2. Radha Dildar Makani

Vs.

1. The State of Maharashtra .Respondents
2. Chander Prakash Matta

Mr. R. P. Khobragade, Advocate, for the Applicants in all matters
Ms Veera Shinde, APP, for the Respondent No.1 – State in all matters
Mr. M. A. Singh, Advocate, for the Respondent No.2 in all matters

CORAM : REVATI MOHITE DERE, J.

DATE : 12.09.2017

P.C.

. Heard learned counsel for the parties.

2. By these Applications, the Applicants seek suspension of their sentence & enlargement on bail, pending the hearing and final disposal of the aforesaid Revision Application.

3. The Applicants have been convicted & sentenced vide Judgment and Order dated 17.02.2016, passed by the learned Chief Judicial Magistrate, Thane, in R.C.C.No.0300096 of 2002 as under :-

- For the offences punishable under Sections 406 & 420 r/w 34 of the Indian Penal Code, to suffer R.I. for three years on each count and to pay fine of Rs.20,000/- i. e. Rs.10,000/- each, in default to suffer R.I. for further period of three months.

4. The Judgment and Order of conviction and sentence was confirmed by the learned Additional Sessions Judge-2, Thane, in Cri. Appeal No.28 of 2016, passed on 07.03.2017.

5. The Revision Application has been admitted by a separate order passed today. The sentence imposed is a short term sentence. Considering the fact, that the same is not likely to be heard in the immediate near future and the fact that the Applicants were on bail pending the trial and have not abused or misused the conditions of bail,

the Applicants' sentence is suspended and they are enlarged on bail, pending the hearing and final disposal of their Revision Application on the following terms & conditions:-

O R D E R

- (i) The Applicants be enlarged on cash bail in the sum of **Rs.25,000/- each**, for a period of four weeks;
- (ii) The Applicants shall, thereafter, furnish P.R.Bond in the sum of **Rs.25,000/- each**, with one or two sureties in the like amount, within a period of four weeks of their release on cash bail;
- (iii) The Applicants shall file their Affidavit with regard to address & mobile number. The said Affidavit shall be filed in the Registry of this Court. In case, there is a change of address and mobile number, the Applicants shall keep the Registry of this Court informed of the same.

6. Accordingly, the Applications, being Cri. Application Nos.225 & 224 of 2017 are disposed of on the aforesaid terms.

7. By this Application, being Cri. Appln. No.352 of 2017, the Applicants seek exemption from surrendering. It is informed that the Applicants have surrendered today. In view of the same, Cri. Appln.

No.352 of 2017 does not survive and the same stands disposed of accordingly.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)