

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 685 OF 2017
(For Bail)
IN
CRIMINAL APPEAL NO. 423 OF 2017**

1. Rajan Hari Hardare,
2. Chetan Rajan Hardare,
3. Siddhant @ Siddhu Rajan Hardare,
4. Sangita Rajan Hardare ...Applicants

Versus

The State of Maharashtra ...Respondent

Mr. Bakul Bhosale for the Applicants

Mr. S. R. Agarkar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 6th JULY, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicants seek suspension of their sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal. The applicants have been convicted and sentenced by the learned Additional Sessions Judge, Khed vide Judgment and Order dated 18th April, 2017 passed in Sessions Case No. 35 of 2013, as under:-

- all the applicants-accused, for the offence punishable under Section 307 r/w 34 of the Indian Penal Code, to suffer RI for 5 years and to pay a fine of Rs. 1,000/- each, in default, to suffer SI for 1 month;
- The applicants-accused were also convicted for the offence punishable under Section 324 r/w 34 of the Indian Penal Code, however, no separate sentence was awarded in view of the sentence awarded for the offence punishable under Section 307 r/w 34.

3. Learned Counsel for the applicants states that there is a discrepancy in the evidence of two doctors, who were examined by the prosecution and that the doctors' evidence is contrary to each other. He submits that the applicants were on bail, pending trial and that they have not abused or misused the conditions of bail.

4. Learned APP opposes the application.

5. Perused the papers. The appeal was admitted by this Court vide order dated 4th May, 2017. The applicants were on bail, pending trial and have not misused or abused the conditions of bail. A perusal of the

evidence of the doctors i.e. PW 6 and PW 8 *prima facie* shows that their evidence is contrary to one another. The appeal is not likely to come up for the hearing in the immediate near future.

6. Considering the aforesaid, the applicants' sentence is suspended and they are enlarged on bail, pending the hearing and final disposal of their Appeal, on the following terms and conditions :

ORDER

(i) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.