

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 742 OF 2017
(For Bail/Suspension of Sentence)
IN
CRIMINAL APPEAL NO. 454 OF 2017**

1. Nitin Jagannath Gosavi,	
2. Sanjay Jagannath Gosavi,	
3. Rajesh Jagannath Gosavi,	
4. Reshma Ramesh Gosavi,	
5. Prajakta Ramesh Gosavi,	
6. Sunita Jagannath Gosavi,	
7. Rutuja Rajesh Gosavi	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Anwar Landge I/b Mr. Harshwardhan Salgaonkar for the Applicants

Mr. Prashant Jadhav, 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 appeal.
3. The applicant Nos. 1 to 7 have been convicted and sentenced by the learned Additional Sessions Judge, Ratnagiri vide Judgment and Order dated 3rd May, 2017 passed in Sessions Case No. 14 of 2015, as under:-

- all the applicants-accused, for the offence punishable under Section 143 of the Indian Penal Code ('IPC'), to suffer RI for 6 months each and to pay a fine of Rs. 1,000/- each, in default, to suffer RI for 1 months each;
 - all the applicants-accused, for the offence punishable under Section 147 of the IPC, to suffer RI for 2 years each, and to pay fine of Rs.2,000/- each, in default, to suffer RI for 2 months each;
 - all the applicants-accused, for the offence punishable under Section 148 of the IPC, to suffer RI for 2 years each and to pay a fine of Rs. 2,000/- each, in default, to suffer RI for 2 months each;
 - applicant Nos. 1 to 4, for the offence punishable under Section 326 r/w 149 of the IPC, to suffer RI for 5 years each, and to pay fine of Rs.5,000/- each, in default, to suffer RI for 3 months each;
 - applicant Nos. 5 to 7, for the offence punishable under Section 326 r/w 149 of the IPC, to suffer RI for 3 years each and to pay a fine of Rs. 2,000/- each, in default, to suffer RI for 2 months each;
 - all the applicants-accused, for the offence punishable under Section 504 r/w 149 of the IPC, to suffer RI for 1 year each, and to pay fine of Rs.1,000/- each, in default, to suffer RI for 1 month each;
- (Substantive sentences of imprisonment are directed to run concurrently.)

4. Learned Counsel for the applicants states that applicant Nos. 1 to 4 are in custody, in view of the sentence imposed on them i.e. 5 years. He submits that as far as applicant Nos. 5 to 7 are concerned, their sentence was suspended as they were sentenced to 3 years imprisonment. He submits that all the applicants were on bail, pending trial and that they have not abused or misused the liberty granted to them. He submits that the applicants have deposited the fine amount.

5. Learned APP does not dispute the fact that the applicants were on bail, pending trial and they have not misused or abused the conditions of bail.

6. Perused the papers. The appeal was admitted on 18th May, 2017. All the applicants were on bail, pending trial and have not misused or abused the conditions of bail. Applicant Nos. 5 to 7's sentence was suspended after their conviction, considering the sentence imposed on them. Applicant Nos. 1 to 4 are in custody. The appeal is not likely to come up for the hearing in the immediate near future.

7. 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.15,000/- each, with one or two sureties in the like amount.
8. The application is allowed in the aforesaid terms and is accordingly disposed of.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.