

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 445 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 464 OF 2017**

1. Chandrakant Baburao Bhosale,
2. Budhivant Chandrakant Bhosale ...Applicants
Versus
The State of Maharashtra ...Respondent

Mr. Irfan Shaikh a/w Mr. Mankirat Singh Chhabra for the Applicants

Ms. Anamika Malhotra, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 27th SEPTEMBER, 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 Revision.
3. The applicants have been convicted and sentenced vide Judgment and Order dated 29th June, 2017, passed by the learned Judicial Magistrate, First Class, Saswad, Pune, as under :

- for the offence punishable under Section 323 r/w 34 of the Indian Penal Code, to suffer RI for 1 year and to pay a fine of Rs. 1,000/- each, in default, to undergo SI for 1½ months;
- for the offence punishable under Section 324 r/w 34 of the Indian Penal Code, to suffer RI for 1 year and to pay a fine of Rs. 1,000/- each, in default, to undergo SI for 1½ months;
- for the offence punishable under Section 326 r/w 34 of the Indian Penal Code, to suffer RI for 3 years and to pay a fine of Rs. 8,000/- each, in default, to undergo SI for 1 month;

(The sentences are directed to run consecutively).

4. The said Judgment and Order was partly allowed in appeal being Criminal Appeal No. 320 of 2007 passed by the learned Additional Sessions Judge, Pune, vide judgment and order dated 18th August, 2017. The learned Sessions Judge was pleased to reduce the sentence awarded for the aforesaid offences. 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.

5. Learned A.P.P does not dispute the same.
6. Perused the papers. The Revision has been admitted by a separate order passed today. The sentence imposed is a short term sentence. The Revision is not likely to be heard in near future. The applicants were on bail pending trial and have not misused or abused the conditions of bail.
7. Accordingly, the application is allowed and the applicants' sentence is suspended and they are enlarged on bail, pending the hearing and final disposal of the Revision, on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- each, with one or two sureties in the like amount;
- (ii) The applicants shall inform their latest places of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

8. The application is accordingly disposed of.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.