

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1579 OF 2016

IN

CRIMINAL APPEAL NO.833 OF 2016

VASANT TUKARAM JADHAV AND ORS.)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Rahul Tamber i/b. Mr.Gautam Tambe, Advocate for the Applicants.

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 3rd FEBRUARY 2017

P.C. :

1 Heard the learned advocate appearing for applicants / accused. He argued that short sentence is imposed upon applicants / accused and their appeal is already admitted for final hearing. In his submission, considering the quantum of the sentence imposed on applicants / accused, they be released on bail during pendency of their appeal.

2 The learned APP opposed the application by contending that applicants / accused are convicted by the trial court after due trial.

3 I have considered the rival submissions and perused the impugned judgment and order of the trial court apart from deposition of witnesses. Applicants / accused were prosecuted for offences punishable under Sections 147, 148, 302, 307, 325, 324, 323, 504 and 506 read with Section 149 of the IPC by the learned Additional Sessions Judge, Khed. On conviction, they are sentenced to suffer rigorous imprisonment for 3 years for the offence punishable under Section 148 of the IPC as well as for the offence punishable under Section 324 read with Section 149 of the IPC. No separate sentence was awarded to them for the offences punishable under Sections 147, 148, 323 and 324 of the IPC. Sentences are directed to run concurrently by the trial court.

4 Considering the short sentence imposed upon applicants / accused and the fact that their appeal may not be

heard in near future, considering the pendency of the appeal in this court, the application deserves to be allowed. Hence the order :

- i) The application is allowed.
- ii) Substantive sentence imposed upon applicants / accused is suspended and they are directed to be released on bail on their executing PR.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount by each of them.

(A. M. BADAR, J.)