

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

**CRIMINAL APPLICATION NO.1690 OF 2017
IN
CRIMINAL APPEAL NO 925 of 2017**

Tanaji Kashinath Kokare and Ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

Mr. Nitesh Mohite i/b Jaydeep Mane for the appellant.

Mr. P.P. Jadhav, APP for the State.

**CORAM: A.M. BADAR, J.
DATED: 15th DECEMBER 2017**

PC:-

1. This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by them.

2. Heard the learned Advocate appearing for the applicant/accused. He argued that short sentence of

imprisonment is imposed on the applicants/accused and considering the nature of offence they are entitled for release on bail.

3. The learned Additional Public Prosecutor appearing for the respondent opposed the application by submitting that the applicants should surrender themselves and then seek for bail.

4. I have carefully considered the rival submissions and also perused the impugned judgment and order of conviction. The applicants are convicted of offences punishable under Sections 379 r/w 34 of the Indian Penal code and under Section 135 of Indian Electricity Act. For the offence punishable under Section 379 of the Indian Penal Code, they are sentenced to suffer simple imprisonment for 6 months and for the offence punishable under Section 135 of the Indian Electricity Act they are sentence to suffer simple imprisonment for one year apart from payment of fine. They are sentenced of imprisonment as imposed on applicants/accused. It is seen

that the substantive sentence of imprisonment is already suspended by the learned trial Court convicting them of alleged offences. The appeal filed by them is not likely to be heard in the near future and therefore the order:

(i) The application is allowed.

(ii) The substantive sentence of imprisonment imposed on the applicants/accused is suspended and they are directed to be released on bail on their executing P.R.Bond in the sum of Rs.15,000/- each and on furnishing surety in the like amount by each of them.

(A.M. BADAR, J)