

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO. 605/2017

in

CRIMINAL APPEAL NO. 362/2017

(Rohit s/o Ramsingh Bais and another vs. State of Maharashtra)

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

.....
Mr. R.M.Daga, Advocate for the applicants
Mr. S.B.Bissa, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 4th September, 2017.

By this Application, the applicants prays for suspension of jail sentence imposed upon him by the learned Additional Sessions Judge, Wardha, dated 12.07.2017, in Sessions Trial No. 253/2013 and grant of bail.

The applicants are convicted for the offence punishable under Section 326 r/ws.34 of the IPC and sentenced to suffer RI for ten years each and to pay a fine of Rs. 1000/- each, in default, to suffer SI for two months each.

I have heard Shri R.M.Daga, the learned counsel for the applicants and Mr. S.B.Bissa, the learned A.P.P. for the respondent.

The applicants were on bail during the pendency of trial. Even after the judgment and order of conviction, the learned trial Court has suspended the jail sentence and the applicants were released on bail.

Taking into consideration the nature of allegations against

the applicants, the roles attributed to them and also the fact that the applicants were on bail during the trial and the substantive jail sentences were already suspended and they were released on bail by the learned trial Judge and also considering that it would not be possible to take up the hearing of the Appeal finally by this Court in the near future, due to pendency of old matters, I am of the view that the applicants are entitled to suspension of jail sentence and grant of bail. Hence the following order:

ORDER:

- 1) Criminal Application No. 605/2017 is allowed.
- 2) The substantive jail sentence imposed against the applicants by the learned Additional Sessions Judge, Wardha in Sessions Trial No. 253/2013 dated 12th July, 2017 shall remain suspended during the pendency of the present Appeal.
- 3) The applicants shall be released on bail by executing fresh bonds of the same amount as in the trial court.
- 4) The learned Judge before whom the bail bonds will be executed shall ensure that before execution of the bail bonds, the entire fine amount is deposited by the applicants.
- 5) The applicants shall remain personally present before this Court at the time of final hearing of the Appeal.

The Application stands disposed of.

JUDGE

Sahase