

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (APPA) NO.658/2017

in
CRIMINAL APPEAL NO.387/2017
(Sandip s/o Kawadu Yelmule and five others vs. The 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. S.V.Sirpurkar, Advocate for applicants
 Ms. Shamsi Haider, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 6th September, 2017.

By this Application, the applicants prays for suspension of jail sentence imposed upon them by the learned Additional Sessions Judge, Chandrapur, dated 2.8.2017, in Sessions Case No.131/2014, and grant of bail.

The applicants were convicted for the offence punishable under Section 411 read with section 34 of the IPC and sentenced to suffer RI for three years each, and also to pay a fine of Rs. 5,000/- each, in default, to suffer RI for three months each. They were also convicted for the offence punishable under section 413 r/ws. 34 of the IPC and sentenced to suffer RI for five years each, whereas accused no.6 Ganesh Wakulkar to pay a fine of Rs. 20,000/- and accused nos.1 to 5 a fine of Rs. 5,000 each, in default, accused no.6 Ganesh Wakulkar to suffer RI for six months and accused nos.1 to 5 to suffer RI for three months. The applicants were also convicted for offence punishable u/s 26(1)(g) of Indian Forest Act and were sentenced to suffer SI for one year each and to pay a fine of Rs. 2000/- each, in default to

suffer SI for one month each.

I have heard Shri S.V.Sirpurkar, the learned counsel for the applicants and Ms.Shamsi Haider, the learned A.P.P for the respondent.

The learned counsel for the applicants submits that the applicants have deposited the fine amount imposed against them, totalling to Rs. 87,000/-.

Taking into consideration the nature of allegations, the roles attributed to the applicants and also considering that the applicants were on bail during the trial and 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 for suspension of jail sentence and grant of bail. Hence the following order:

ORDER:

- i) Criminal Application No. 658/2017 is allowed.
- ii) The substantive jail sentence imposed against the applicants by the learned Additional Sessions Judge, Chandrapur in Sessions Case No.131/2014 dated 2.8.2017 shall remain suspended during the pendency of the present Appeal.
- iii) The applicants shall be released on bail in the sum of Rs. 15,000/- each, with one or two sureties in the like amount.
- iv) The applicants shall remain personally present before this Court at the time of final hearing of the Appeal.

Criminal Application No.658/2017 stands disposed of.

JUDGE

Satave