

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 2025 OF 2018
IN
CRIMINAL APPEAL NO. 1495 OF 2018

1 Vicky Laxman Jadhav.
2 Sainath Sudhakar Jadhav.
3 Manjunath Sudram Jadhav.
4 Vinod(Vinaya) @ Shembdya
Vinya Sidram Jadhav. ..Applicants.

V/s.

State of Maharashtra. ..Respondent.

Mr. Priyal G. Sarda, advocate for applicants.

Mr. V.Y. Gangurde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : DECEMBER 13, 2018.

P. C. :

1 Heard the learned Counsel for the applicants and the learned
APP for State.

2 This is an application under section 389 of the Code of
Criminal Procedure, 1908. The applicants herein are convicted by the
Special Judge-5, Solapur for the offence punishable under section 504,
506 read with section 34 of the Indian Penal Code and sentenced to
suffer S.I. for 2 years and to pay fine of Rs. 2000/- each I.d. to suffer S.I.

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for six months for the offence punishable under section 504 read with section 34 of the Indian Penal Code and to suffer S.I. for 3 years and to pay fine of Rs. 2000/- each I.d. S.I. for 6 months for offence punishable under section 506 read with section 34 of the Indian Penal Code in Special (S.C. S.C Act) Case No. 37 of 2014 vide Judgment and Order dated 12/11/2018.

3 The learned Counsel for the applicants submits that the applicants were on bail during the pendency of the trial and have not committed breach of any condition imposed upon them. Similarly, the sentence imposed upon the applicants is a short term sentence and that they would be entitled to the extension of the same relief during the pendency of the appeal.

4 In view of the Judgment of the Hon'ble Apex Court in the case, Kiran Kumar v/s. State of M.P. 2001 AIR SCW 5130, the applicant deserves to be enlarged on bail. It is made clear that suspension of sentence shall not be construed as suspension of conviction.

5 Hence following order is passed :

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ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicants vide Judgment and Order dated 12/11/2018 passed by the Special Judge, Solapur in Special (S.C. S.T.) Case No. 37 of 2014 is hereby suspended and the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each and one or more solvent sureties in the like amount.
- (iii) The applicants shall report to the Court of Special Judge, Solapur once in 6 months on the date specified by the concerned Special Judge, Solapur. Upon failure to attend on two consecutive dates, the Special Court, Solapur shall report the same to the High Court and the prosecution would be at liberty to file an application for cancellation of the bail.
- 6 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]