

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.73 OF 2018

IN

CRIMINAL APPEAL NO.36 OF 2018

Mahesh Sunil Panire & Anr. ... Applicants

V/s.

The State of Maharashtra ... Respondent

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Mr.Yuvaraj Gharal i/b. Mr.Vijay Killedar, Advocate for the Applicants.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 18th JANUARY 2018.

P.C. :

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

2 The applicants/accused are convicted of offence punishable under Section 363 read with Section 34 of the Indian Penal Code and they both are sentenced to suffer rigorous imprisonment for one year apart for imposing fine of Rs.3,000/- on them.

3 Heard the learned Advocate appearing for the applicants/accused. He argued that both the applicants were on bail during pendency of the trial and substantive sentence of imprisonment imposed on them has already been suspended by the trial Court.

4 The learned Additional Public Prosecutor opposed the application by contending that after due trial, the offence alleged is proved against the applicants.

5 I have carefully considered the rival submissions and also perused the impugned Judgment and Order of conviction and resultant sentence. Short sentence of one year is imposed on the applicants/accused. They were on bail during pendency of the trial. It is seen that they have not misused their liberty while on bail. The substantive sentence of imprisonment imposed on them had already been suspended by the learned trial Court. In this view of the matter, the following 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.

(iii) The application is accordingly disposed of.

(A.M.BADAR J.)