

XIN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.103 OF 2018

IN

CRIMINAL APPEAL NO.51 OF 2018

Shivappa Gurunath Shir & Ors. ... **Applicants**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Ritesh Thobde, Advocate for the Applicants.

Mr.V.V.Gangurde, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 31st JANUARY 2018.

P.C. :

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

2 Heard the learned Advocate appearing for the applicants as well as the learned Additional Public Prosecutor. Perused the impugned Judgment and Order of conviction and resultant sentence.

3 All three applicants are convicted of the offence punishable under Section 452 of the Indian Penal Code and they

are sentenced to suffer simple imprisonment for three years apart from directing them to pay fine of Rs.2,000/- each. It is reported that the applicants have already paid fine and substantive sentence of imprisonment imposed on them has already been suspended by the learned trial Court.

4 Considering the fact that short sentence of imprisonment is imposed on the applicant and as the same has already been suspended by the learned trial Court as well the fact that the appeal may not be heard within a period of three years, 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 disposed of accordingly.

(A.M.BADAR J.)