

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.127 OF 2018

IN

CRIMINAL APPEAL NO.66 OF 2018

Anil Narayan Rathod & 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/accused on bail during pendency of the appeal filed by them.

2 The applicants/accused were convicted for offences punishable under Sections 341 and 324 of the Indian Penal Code. For the offence punishable under Section 341 of the Indian Penal Code, they are sentenced to pay fine of Rs.200/- each and in default to undergo simple imprisonment for five days and for the offence punishable under Section 324 of the IPC, the applicants

are directed to undergo imprisonment till rising of the Court apart from payment of fine Rs.25,000/- by each of them and in default to undergo simple imprisonment for one month.

3 Heard the learned Advocate appearing for the applicants/accused. Upon being asked as to how the application is maintainable because the simple imprisonment imposed on the applicants was till rising of the Court, the learned Advocate for the applicants submitted that they had not undergone the sentence till rising of the Court. The learned Advocate submitted that the substantive sentence of imprisonment imposed on the applicant was suspended by the learned trial Court. I also heard the learned Additional Public Prosecutor.

4 Considering the fact that the applicants have not undergone substantive sentence of imprisonment till rising of the Court, as imposed on them, 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.)