

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO.315 OF 2018
IN
CRIMINAL APPEAL NO.205 OF 2018**

Harendra @ Bala Jagannath Pagare & Ors. ... **Applicants**

V/s.

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

Mr. Aniket Nikam for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 22nd MARCH 2018

PC.:

1. This is an application for suspension of sentence and releasing the applicants on bail.
2. Heard the learned counsel for the applicants and the learned APP. Perused the record.
3. The applicants are convicted under Section 307 r/w.34 of Indian Penal Code and sentence to suffer rigorous imprisonment for seven years and to pay a fine of Rs.5,000/- each, in default to suffer rigorous imprisonment for six months each by the learned Sessions Judge, Nashik in Sessions Case No.125 of 2016 by its Judgment and Order dated 07.02.2018.
4. The learned counsel for the applicants submitted that, during the

pendency of the trial, the applicants were granted bail by the Trial Court and there is no report of breach of any of the conditions imposed upon them by the Trial Court.

5. As the maximum sentence imposed upon the applicants is seven years and there is the possibility of appeal being heard on merits in near future is remote, I am inclined to release the applicants on bail.

6. In view thereof, I am inclined to release the applicants on bail.

Hence, the following order.

(a) The applicants be released on bail in Sessions Case No.125 of 2016 arising out of C.R.No.I-266 of 2015 registered with Upnagar Police Station, Nashik on their furnishing PR bond of Rs.25,000/- each with one or two separate solvent local sureties in the like amount.

(b) During the pendency of the appeal, the applicants shall mark their presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00 p.m. If the said Monday is Court holiday/public holiday, the applicants shall mark their presence on the immediate next date.

7. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)