

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.557 OF 2018

IN

CRIMINAL APPEAL NO.396 OF 2018

1) VIJAY RAMESHWAR VISHWAKARMA)
2) SANJAY SURESH PAWAR)
3) PRASHANT SURESH PAWAR) ...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.N.R.Chomal, Advocate for the Applicants.

Ms.Anamika Malhotra, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 20th JUNE 2018

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail, during pendency of the appeal filed by him. Applicants/accused nos.1 and 3 were convicted of the offence punishable under Section 324 read with 34 of the Indian Penal Code and were sentenced to suffer rigorous imprisonment for 3 years apart from imposition of some fine and

default sentence. The applicant/accused no.2 is convicted of the offence punishable under Section 323 read with 34 of the Indian Penal Code and he is sentenced to suffer rigorous imprisonment for 1 year apart from imposition of some fine and default sentence. All applicants i.e. accused nos.1 to 3 are convicted of the offence punishable under Section 427 read with 34 of the Indian Penal Code and they are sentenced to pay fine and default sentence.

2 Heard the learned Advocate appearing for applicants/accused persons. He argued that substantive sentence of imprisonment has already been suspended by the learned trial court and applicants/accused persons have already deposited the fine amount.

3 The learned APP opposed the application.

4 While on bail, applicants/accused persons have not misused liberty granted to them. The appeal will not be heard in

short period, considering the pendency of appeals before this court. Substantive sentence has already been suspended by the learned trial court. In this view of the matter, the following order:

ORDER

- i) The application is allowed.
- ii) Substantive sentence of imprisonment imposed on applicants/accused persons is suspended and they are directed to be released on bail on their executing PR.Bond in the sum of Rs.15,000/- each, and on furnishing surety in like amount, by each of them.
- iii) As a condition of this order, applicants/accused persons should not repeat commission of similar offence in future.
- iv) The application is accordingly disposed of.

(A. M. BADAR, J.)