

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 702 OF 2018
IN
CRIMINAL APPEAL NO. 503 OF 2018

Manu @ Babu B.Patel and ors. ...Applicant.

vs.

The State of Maharashtra ...Respondent.

Mr. S.V.Marwadi i/by Trupti Khamkar for the Applicant.

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

Ms.Deepali Patankar i/by Purnima Kantharia, PP

CORAM : A.S.GADKARI, J.

DATE : 26th April, 2018

P.C.

1. This is an application for suspension of substantive sentence and releasing the applicants on bail in Sessions Case No. 9/2012.

2. Heard Shri. Marwadi, learned counsel for the applicant and the learned APP for the State.

3. The applicant No.1 has been convicted under Section 325 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.1500/-, in default of payment of fine to further undergo rigorous imprisonment for three months by the learned Sessions Judge, Daman in Sessions Case No.9/2012 by its Judgment and Order

dated 21.3.2018. By the same Judgment and Order the Trial Court has also convicted the applicant Nos. 2 and 3 for an offence punishable under Section 323 of the Indian Penal Code and are sentenced to suffer rigorous imprisonment for six months each and to pay a fine of Rs.500/- each in default of payment of fine to further undergo rigorous imprisonment for one month each.

4. The learned counsel for the applicants submitted that the applicants have already deposited the fine amount in the registry of the Trial Court. He further submitted that the applicants have been released on bail under Section 389(3) of the Cr.P.C. by the Order of even date by the Trial Court.

5. As the maximum sentence imposed upon the applicant No.1 is three years of rigorous imprisonment and the applicant Nos. 2 to 4 are of six months of rigorous imprisonment and the possibility of appeal being heard on merits in near future is remote, I am inclined to suspend the substantive sentence and to release the applicants on bail.

Hence, the following order.

- a) During the pendency of the present appeal, the substantive sentence imposed upon the applicants is suspended.
- b) During the pendency of the appeal, the applicants be

released on bail in Special Sessions Case No.9 of 2012 on their furnishing PR bond of Rs.25,000/-each with one or two solvent local sureties in the like amount.

c) The applicant are permitted to furnish cash bail for a period of eight weeks from today and during the said period the applicants shall comply with all formalities of furnishing sureties.

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

e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)