

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.842 OF 2018

AND

CRIMINAL APPLICATION NO.843 OF 2018

IN

CRIMINAL APPEAL NO.643 OF 2018

1) SAKIB ISMILE KHAN)
2) ISMAIL HUSEN KHAN)
3) SALMA ISMILE KHAN)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.A.M.Shakeel, Advocate for the Applicants.

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

CORAM : A. M. BADAR, J.

DATE : 4th JUNE 2018

P.C. :

1 These are applications are for suspension of sentence and releasing applicants/accused on bail during pendency of the appeal filed by them. Applicants/accused are convicted for offences punishable under Sections 498A and 306 read with 34 of the Indian Penal Code by the learned trial court and they are

sentenced to suffer rigorous imprisonment for 1 year by each of them for the offence punishable under Section 498A of the Indian Penal Code and for rigorous imprisonment for 2 years for the offence punishable under Section 306 read with 34 of the Indian Penal Code, apart from imposition of some fine.

2 Heard both sides. The learned Advocate for applicants/accused submits that the entire fine amount is already deposited by applicants/accused, and they are already released on bail after the judgment passed by the learned trial court. The learned APP opposed the applications.

3 Substantive sentences of imprisonment is that of 2 years and the same has already been suspended by the learned trial court. The fine amount is already deposited by applicants/accused. Hence, I see no reason to deny bail to applicants/accused. Therefore, the order :

ORDER

i) Applications are allowed.

- ii) Substantive sentences of imprisonment imposed on applicants/accused are suspended and applicants/accused 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 like amount by each of them.
- iii) The applications are disposed of.

(A. M. BADAR, J.)