

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

CRIMINAL APPLICATION NO. 687 OF 2018

Prithvi @ Ballu Bhagwansingh Valmiki & Anr. ... Applicants
Vs.
The State of Maharashtra ... Respondent

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Mr. Himanshu S. Shinde for the applicant.
Mr. S.R. Shinde, APP for the Respondent-State.
Mr. Yashwant Barse, API Colaba Police Station present in person.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 22nd JUNE, 2018.

P.C.

1. The applicants are convicted for the offences punishable under Sections 353, 332, 504 and 506 read with Section 34 of Indian Penal Code vide Judgment and Order dated 20th April, 2018 passed by the Additional Metropolitan Magistrate 8th Esplanade, Mumbai in Criminal Case No. 0800118/PW/2017. They were sentenced to suffer imprisonment for two years with a fine of Rs.5000/- for each offence. The said sentence was directed to run concurrently.
2. The Judgment and Order of conviction was challenged by the applicant before the Sessions Court by filing Revision Criminal

Appeal no. 295 of 2018 . The appeal has been admitted by the Sessions Court on 10th May, 2018. The applicants preferred an application for suspension of sentence and grant of bail. The said application has been rejected by the Sessions Court. While rejecting the said application, the Court has observed that the accused had committed the crime, while they were in custody in connection with another offence. It is also observed that the applicants were not on bail during the trial. The applicants can file private paper book for arguing the appeal. Considering the act of the accused and the fact that they were not on bail during the trial, application was rejected.

3. Learned counsel for the applicants submits that the other case which was registered against the applicant which has been referred to the Sessions Court as resulted acquittal. The applicants are in custody for a period of about 16 months. The appeal is already admitted. In the circumstances, the Sessions Court ought to have suspended the sentence of imprisonment and granted bail to the applicant. Hence, I pass the following order.

ORDER

(i) Impugned dated 10th May, 2018 passed by the Additional Sessions Judge, Greater Mumbai in Bail Application No.

837 of 2018 and Misc. Application No. 993 of 2018 in Criminal Appeal No.295 of 2018 is set aside;

(ii) During the pendency of appeal No. 295 of 2018 pending before the Sessions Court, the applicants are directed to be released on bail on furnishing P.R. Bond of Rs.15,000/- each with one or more sureties in the like amount;

(iii) Applicants are directed to attend the Colaba Police Station once in a month on First Saturday of every month between 10 am to 12 O clock.

(PRAKASH D. NAIK, J.)