

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1594 OF 2018

IN

CRIMINAL APPEAL NO.1134 OF 2018

Jibhau Kalu Khairnar & Anr. ... **Applicants**

V/s.

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

.....

Mr.Sachin D. Kadam, Advocate for the Applicants.

Mr.S.V.Gavand, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 25th SEPTEMBER 2018.

P.C. :

1 Leave to amend. Amendment be effected forthwith.

2 This is an application for suspension of sentence and releasing the applicants/accused on bail during pendency of the appeal filed by them.

3 The applicants/accused are convicted for the offence punishable under Section 324 read with Section 34 of the Indian Penal Code and they are sentenced to suffer rigorous

imprisonment for two years each apart from imposition of fine of Rs.3,000/- on each of them.

4 Heard the learned Advocate appearing for the applicants/accused as well as the learned Additional Public Prosecutor for the respondent/State.

5 The applicants/accused are acquitted of the offences punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code, but they are convicted of the offence punishable under Section 324 read with Section 34 of the Indian Penal Code. During pendency of the trial, the applicants were on bail. Even after recording their conviction, they are released on bail by the learned trial Court. The short sentence of imprisonment is imposed on the applicants/accused and the appeal filed by them may not be heard within the short time. Hence, the Order :

ORDER

- (i) The application is allowed.

- (ii) The substantive sentence of imprisonment imposed on the applicants/accused is suspended and they are directed to be released on bail on their executing P. R. Bond of Rs.15,000/- each and on furnishing surety in the like amount by each of them.

(iii) As a condition of this order, the applicants/accused should not repeat commission of similar offence in future.

(iv) The application is disposed of accordingly.

(A.M.BADAR J.)

Raju
Dattatraya
Gaikwad

Digitally signed by
Raju Dattatraya
Gaikwad
Date: 2018.09.26
15:46:38 +0530