

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1803 OF 2018

Sou. Malan Narayan Jadhav & Ors.

...Applicants

V/s.

The State of Maharashtra

...Respondent

Ms Juanita Menezes h/f. Mr. Kuldeep S. Patil, Advocate for the Applicants.

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

CORAM : A.M.BADAR, J.

DATED : 31st OCTOBER 2018.

P.C. :

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

2. The applicants/accused are convicted for the offence punishable under Section 363 read with Section 109 of the Indian Penal Code and they are sentenced to suffer rigorous imprisonment for two years apart from direction to pay fine of Rs.500/- and in default to suffer simple imprisonment for 15 days.

3. Heard the learned counsel appearing for the applicants/accused. He argued that during pendency of the trial, the applicants/accused were on bail and even after recording conviction, they are released on bail by the learned trial Court.

4. The learned APP opposed the application.

5. Short sentence of imprisonment of two years awarded to the applicants/accused is already suspended by the learned trial Court. The appeal filed by the applicants may not be heard within a short period of two years, considering the pendency of appeals before this Court. In this view of the matter, the following order :

- : O R D E R : -

- (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/- and on furnishing surety in the like amount by each of them.
- (iii) As a condition of this order, the applicants/accused should not contact the victim of the crime in question in any

manner and they should not repeat commission of similar offence.

- (iv) As a condition of this Order, the applicants/accused shall not extend any threat inducement or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (v) The application is disposed of accordingly.

(A.M.BADAR J.)