

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

**CRIMINAL APPLICATION No. 643 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.669 OF 2018**

Sau. Arati Sharadchandra Bhogate & Anr. ... Applicants

Vs.

The State of Maharashtra & Anr. ... Respondents

Mr.A.A.Siddiqui I/b. Mr.Mateen Abdul R. Shaikh for the Applicants.
Mr. A.R.Patil, APP for Respondent No.1-State.

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED : DECEMBER 14, 2018**

P.C.:

1. Upon urgent mentioning, taken on production board.
2. The applicants/accused, who are the husband and wife, were convicted for the offence punishable under section 420 read with section 34 of the Indian Penal Code and sentenced to suffer S.I. for six months and to pay fine of Rs.1,000/- each, in default to suffer another S.I. for one month by the judgment and order dated 9th March, 2016 passed by the learned Judicial Magistrate First Class, Court No.2, Kolhapur. The said judgment was challenged in Criminal Appeal No. 49 of 2016. By order dated 13th December, 2018, the learned Additional Sessions Judge, Kolhapur partly allowed the Appeal and the sentence

was reduced to three months S.I. and directed that compensation of Rs. 12,500/- each shall be paid to the complainant within one month from the date of their release. The applicants/accused were taken in custody on the same date. Hence, this Application.

3. The learned counsel for the applicants/accused submits that the applicants/accused were on bail throughout the trial and also during the appeal period. He further submits that they have a good case on merits. He further submits that it is a bailable offence.

4. The learned APP submits to the orders of the Court.

5. Heard. Considering the submissions of the learned Counsel, the application is allowed on the following terms :

(a) The applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount;

(b) The applicants/accused are directed to pay Rs. 12,500/- each i.e., Rs.25,000/- as a whole to the complainant on or before 20th December, 2018. If the amount is not paid to the complainant on or before 20th December, 2018, the order of bail will be cancelled forthwith.

6. Criminal Application is disposed of accordingly.

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7. Issue notice to the respondents, returnable on 8th February, 2019.

(MRIDULA BHATKAR, J.)