

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO.389/2018

IN

CRIMINAL APPEAL NO.269/2018

Girish Manohar Thakare and anr

..VS..

The State of Mah., thr. PSO PS Yavatmal

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....

Shri M.P. Kariya, Counsel for the applicants.
Shri H.D. Dubey, Addl.P.P. for the State.

CORAM : MRS. SWAPNA JOSHI, J.
DATED : JULY 10, 2018.

1. By this application, the applicants pray for suspension of substantive jail sentence and grant of bail.
2. The applicants were convicted on 17.3.2018 by learned Ad hoc Additional Sessions Judge-1, Yavatmal in Sessions Trial No.101/2013 for offence punishable under 325 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 5 years and to pay a fine of Rs.1000/- and in default of the same to suffer simple imprisonment for 1 month. They were also convicted for offence punishable under Section 452 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.500/- and in default of the same to suffer simple imprisonment for 15 days.
3. I have heard learned counsel Shri M.P. Kariya for the applicants and learned Additional Public Prosecutor Shri H.D. Dubey for the non-applicant/State.
4. Learned counsel Shri M.P. Kariya for the applicants submits that the applicants were on bail pending disposal of the Trial. According to him, the entire fine amount is already paid.
5. Taking into consideration the nature of allegations against the

.....2/-

applicants; the applicants were on bail during the pendency of the Trial and they have not misused the liberty; the applicants have deposited the entire fine amount; and so also considering that due to pendency of the old criminal appeals it would not be possible for this Court to take up the present appeal for its final disposal, I am of the view that the applicants are entitled for suspension of substantive jail sentence and grant of bail. Hence, following order is passed:

ORDER

- (i) The criminal application stands allowed.
- (ii) The substantive jail sentence imposed upon the applicants on 17.3.2018 by learned Ad hoc Additional Sessions Judge-1, Yavatmal in Sessions Trial No.101/2013 shall remain suspended pending disposal of the present appeal.
- (iii) The applicants shall be released on bail on they executing P.R. Bonds in the sum of Rs.15,000/- each with one or two sureties of the like amount each.
- (iv) Learned Trial Judge, before whom the bail bonds will be executed, shall ensure that before execution of the bail bonds the entire fine amount is deposited by the applicants.
- (v) The applicants shall remain personally present before this Court at the time of final hearing of the appeal.
- (vi) Hamdast is granted.

The application stands disposed of accordingly.

JUDGE

!! BRW !!

...../-