

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.160 OF 2019

IN

CRIMINAL APPEAL NO.162 OF 2019

Ganesh Shankar Jadhav & Ors. ... **Applicants**

V/s.

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

.....

Mr.Kuldeep U. Nikam, Advocate for the Applicants.

Mrs.M.R.Tidke, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 12th FEBRUARY 2019.

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 him. The applicants/accused are convicted for the offence punishable under Section 395 of the Indian Penal Code and both of them are sentenced to suffer rigorous imprisonment for three years apart from imposition of fine of Rs.1,000/- and in default to suffer simple imprisonment for one week.

2 Heard the learned Advocate appearing for the applicants/accused. He argued that the appellants/accused were

on bail and short sentence of imprisonment imposed on them has already been suspended by the learned trial Court. He argued that after acquittal of accused No.4, thereby cannot be conviction for the offence punishable under Section 395 of the Indian Penal Code.

3 The learned Additional Public Prosecutor opposed the application.

4 I have perused the submissions so advanced and perused the impugned Judgment and Order of conviction and resultant sentence.

5 The applicants were on bail during pendency of the trial. They are enlarged on bail after recording conviction against them by the learned trial Court. Short sentence of imprisonment is imposed on them. Therefore, 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.25,000/- 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 offences in future.

(iv) The application is disposed of accordingly.

(A.M.BADAR J.)