

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.318 OF 2019

IN

CRIMINAL APPEAL NO.339 OF 2019

Kashinath Mallappa Golgi & Anr.

...Applicants

V/s.

The State of Maharashtra

...Respondent

Mr. Ritesh Thobde, Advocate for the Applicants.

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

CORAM : A.M.BADAR, J.

DATED : 7th MARCH 2019

P.C. :

1. This is an application for suspension of sentence and releasing the applicants/accused Nos.1 and 2 on bail during pendency of the appeal filed by them. The applicant/accused No.1 is convicted of the offence punishable under Section 332 of the Indian Penal Code and both the applicants/accused Nos.1 and 2 are also convicted of the offences punishable under Section 353 of the Indian Penal Code as well as under Section 3(1) read with

Section 25(1-B)(a) and 7 read with Section 25(1-A) of the Arms Act, 1959. However, the applicant/accused No.2 is acquitted of the offence punishable under Section 332 read with Section 120(B) of the Indian Penal Code. They are acquitted of other offences alleged against them. Different sentences are imposed on the applicants/accused and highest amongst them is that of rigorous imprisonment for five years for the offence punishable under Section 7 read with Section 25(1-A) of the Arms Act, 1959.

2. Heard the learned counsel appearing for the applicants/accused. He argued that both the applicants/accused Nos.1 and 2 are acquitted of major offences alleged against them and short sentence of imprisonment is imposed on them. He argued that both the applicants/accused Nos.1 and 2 have already undergone sentence of more than three years and six months.

3. The learned Additional Public Prosecutor opposed the application.

4. The applicants/accused Nos.1 and 2 have already undergone more than half of the sentence imposed on them and

they are already acquitted of the offence punishable under Section 307 read with Section 120(B) of the Indian Penal Code as well as other offences alleged against them. The appeal is not likely to be heard within short span. Hence, the order:

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment imposed on the applicants/accused Nos.1 and 2 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 Nos.1 and 2 should not contact the victim female child or her relatives in any manner and they should not repeat commission of similar offences in future.
- (iv) The application is disposed of accordingly.

(A.M.BADAR J.)