

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

CRIMINAL APPLICATION NO. 337 OF 2019

IN

CRIMINAL APPEAL NO. 363 OF 2019

Kunal Chandrakant Jadhav & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

Ms. Misbah Salkar i/b Amin Salkar – Advocate for the applicant.
Ms. P. N. Dabholkar – APP for the Respondent – State.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 8th JULY, 2019.

P.C. :

The applicants were tried and convicted in Sessions Case No. 76 of 2012, for the offence punishable under Sections 392, 397, 341, 506 read with 34 of IPC. The Additional Sessions Judge, Kalyan sentenced, the applicants, among other things, to seven years rigorous imprisonment, through Judgment dated 13.02.2019.

2. Though the allegations have been held proved confirmed and applicants stand convicted, the fact remains that the appeal is the continuation of the original proceedings.

Further, the applicants have been on bail during trial; they faced no allegations that they abused the bail granted to them.

3. As the appeal has already been admitted, it is going to take considerable time for final hearing. I reckon it is in the interest of justice that the sentence be suspended and the applicants be released on bail, subject the following conditions :-

ORDER

- (i) Application is allowed.
- (ii) Substantive sentence imposed on the applicants is suspended, and they are directed to be released on bail on their executing P.R. Bond for Rs. 25,000/- and on their furnishing two sureties for the like amount by each
- (iii) Pending the appeal, the applicants should not contact the first informant, or any other witness, in any manner.
- (iv) The applicant's failure to abide by these conditions will entail the prosecution to apply for cancellation of bail now granted to the applicants.
- (v) Application is accordingly disposed of.

[DAMA SESHADRI NAIDU, J.]