

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICTION NO. 285 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 280 OF 2019

1 Nanasaheb Bhimrao Salunkhe
2 Ramchandra Tatyaba Ghule ...Applicants.

Vs.

The State of MaharashtraRespondent.

Mr. S.P. Kadam I/by Rupesh Zade for the Applicants.
Mr. R.M. Pethe APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 18th JUNE, 2019.

P.C.:-

This is an Application for suspension of substantive sentence and for releasing the Applicants on bail.

2 The Applicants are convicted under Section 306 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for five years and to pay fine amount of Rs.1,000/- each by the learned Assistant Sessions Judge, Pune in Sessions Case No. 484 of 2013 by its Judgment and Order dated 19th December, 2014.

3 The Criminal Appeal No. 639 of 2014 preferred by the Applicants, has been dismissed by the learned Additional Sessions

Judge, Pune by its Judgment and Order dated 15th May, 2019.

The learned counsel appearing for the Applicants submitted that, during the pendency of the Appeal, the Appellants were released on bail by the Trial Court. He further submitted that, the Applicants have already deposited the fine amount of Rs.1,000/- each in the Registry of the Trial Court.

4 As the maximum sentence imposed upon the Applicants is five years of rigorous imprisonment and the possibility of the Revision Application being heard on merits in near future is remote, I am inclined to suspend the substantive sentence imposed upon the Applicants and release them on bail.

Hence the following order-

- a) During the pendency of the Revision Application, the substantive sentence imposed upon the Applicants is hereby suspended.
- b) During the pendency of the Revision Application, the Applicants be released on bail on their furnishing PR bond of Rs.10,000/- each with one or two local sureties in the like amount.
- c) The procedure for bail be complied before the

Trial Court i.e. Assistant Sessions Judge, Pune.

- d) After their release from Jail, the Applicants shall attend the Trial Court once in three months, on every first Monday between 11.00 a.m. and 2.00 p.m. and to mark their presence. If the said first Monday is a public holiday/non-Court working day, in that event, the Applicants shall mark their presence on the immediate next working day between 11.00 a.m. and 2.00 p.m..

- e) Application is allowed in the aforesaid terms.

All the concerned to act on the basis of an authenticated copy of this Order.

(A.S. GADKARI, J.)