

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICTION NO. 289 OF 2019****IN****CRIMINAL REVISION APPLICATION NO. 285 OF 2019**

1 Baburao Mahadu Walunj  
2 Dnyaneshwar Raghu Walunj  
3 Bansu @ Buwa Gulab Walunj  
4 Baban Maruti Walunj ...Applicants.

Vs.

The State of Maharashtra ....Respondent.

Mr. Anil Shitole for the Applicants.

Mr. R.M. Pethe, APP for the Respondent-State.

**CORAM : A. S. GADKARI, J.**

**DATE : 7<sup>th</sup> 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 353 of the Indian Penal Code and are sentenced to suffer simple imprisonment for six months and to pay a fine amount of Rs.1,000/- each by the learned Judicial Magistrate, First Class, Khed-Rajgurunagar, District Pune in Regular Criminal Case No. 354 of 2009 by its Judgment and Order dated 6<sup>th</sup> June, 2012.

The Criminal Appeal No. 63 of 2014 preferred by the Applicants has been dismissed by the learned Additional Sessions Judge, Khed-Rajgurunagar, District Pune by its Judgment and Order dated 17<sup>th</sup> May, 2019.

3           The learned counsel appearing for the Applicants 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 six months of simple imprisonment and the possibility of hearing of the Revision on its own merits in near future is remote, I am inclined to suspend the substantive sentence and release the Applicants on bail.

Hence the following order-

- a)   The substantive sentence imposed upon the Applicants is hereby suspended during the pendency of the Revision Application.
- 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 separate local sureties in the like amount.

The procedure for bail be complied with before the Trial Court.

- c) 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 presentee. If the said first Monday is a public holiday/non-Court working day, the Applicants shall mark their presentee on the immediate next working day.

5 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.)**