

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

**CRIMINAL APPLICATION NO.935 OF 2019
IN
CRIMINAL APPEAL NO.837 OF 2019**

Shrikant Gopal Deshpande & Ors. Applicants

Vs.

The State of Maharashtra Respondent

Mr. Tejas Hilage for the applicants.

Mr. S.R. Agarkar, APP for State.

**Coram : Smt. Sadhana S. Jadhav, J.
Date : 20th August 2019**

P.C.:

1. Heard the respective counsel.
2. This is an application seeking enlargement on bail during pendency of the appeal. The applicants herein are convicted by the Additional Sessions Judge, Ichalkaranji in Sessions Case No. 15 of 2019, for the offences punishable under Sections 324 and 323 of Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and fine of Rs.3,000/- for the offence punishable under Section 324 of Indian Penal

Code and for one year and fine of Rs.1,000/- for the offence punishable under Section 323 of Indian Penal Code vide judgment and order dated 10th May, 2019.

3. Since the applicants were on bail during trial, the learned Additional Sessions Judge, Ichalkaranji had suspended the sentence till 15th June 2019 to enable the accused to file an appeal. The appeal was filed on 14th June 2019, however, the learned counsel was given circulation for 26th June 2019 and hence the relief granted by the Sessions Court had expired on 15th June, 2019. In view of this, this Court had directed the applicants to surrender before the Sessions Court and seek enlargement on bail. Since the appeal is already filed in the High Court, the applicants are seeking enlargement on bail.

4. Today in the morning, the applicants have surrendered before the Sessions Court at Ichalkaranji. The application seeking surrender before the Sessions Court is filed on record and marked "X" for identification. The sentence imposed upon the applicants is a short term sentence. They were on bail

during pendency of the trial and hence they are entitled to extension of same relief during pendency of the appeal. Hence, the following order :

ORDER

- i) The application is allowed.
- ii) The substantive sentence imposed upon the applicants vide judgment and order dated 10th May, 2019 is hereby suspended.
- iii) The applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- each with one or more solvent sureties in the like amount.
- iv) The applicants shall mark their presence before the Sessions Court at Ichalkaranji once in six months on the date assigned by the Sessions Judge. Upon failure to attend any two consecutive dates, the Sessions Court shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.
- v) Parties to act on authenticated copy of this order.

(Smt. Sadhana S. Jadhav, J)