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

***CRIMINAL APPLICATION NO.1132 OF 2018  
IN  
CRIMINAL APPEAL NO.883 OF 2018***

1. Madhukar Daulat Khumbarde
  2. Yashwant Hari Rokade
  3. Paresh Dattarya Sonar
  4. Prashant @Parashuram Manuswami Naidu
  5. Vijay Vishram Umale
  6. Lalmohar Ramji Yadav ...Applicants/Appellants
- Versus
- State of Maharashtra ...Respondents

Mr.H.E.Palwe a/w Mr.Ajinkya Jaibhave, for the Applicants.

Mr.S.V.Gavand, A.P.P for the Respondent - State.

Mr.Aniket Nikam, for the Original Complainant.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 16<sup>th</sup> APRIL, 2019***

**P.C. :**

1. Heard learned counsel for the parties.
2. By this application, the applicants seek suspension of their sentence and enlargement on bail, pending the hearing and final disposal

of their appeal.

3. Perused the papers. The Applicants vide Judgment and Order dated 29<sup>th</sup> June, 2018, passed by learned Additional Sessions Judge - 3, Nashik, in Session Case No.328 of 2013, have been convicted and sentenced, for the offences punishable under Sections 143, 147, 148, 326 r/w 149, 341 r/w 149, 427 r/w 149 of the Indian Penal Code and have been sentenced to suffer different imprisonments for the aforesaid offences. The applicants have also been directed to pay different fines, for the aforesaid offences. The maximum sentence imposed for the offence punishable under Sections 326 r/w 149 of the Indian Penal Code is five years. The Applicants Appeal has been admitted by this Court (Coram:A.M.Badar,J.) vide order dated 25<sup>th</sup> July, 2018, and the same is not likely to come up for the hearing in the immediate near future. The sentence awarded is a short term sentence. It is not in dispute that the Applicants were on bail, pending trial and that they have not abused or misused the liberty granted to them.

4. Learned A.P.P. does not dispute the fact that the Applicants

were on bail pending trial, and that they have not misused or abused the liberty granted to them.

5. Considering the aforesaid, the application is allowed and the applicants sentences are suspended and they are enlarged on bail, pending the hearing and final disposal of their Appeal, on the following terms and conditions :

**ORDER**

- i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;
- ii) The Applicants shall report to the trial Court, once in three months on the day/date specified by the trial Court, till their Appeal is finally disposed of;
- iii) The Applicants shall keep the trial Court informed of their current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

***REVATI MOHITE DERE, J.***