

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

**CRIMINAL APPLICATION NO. 373 OF 2019
WITH
CRIMINAL APPLICATION NO. 378 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 362 OF 2019**

1. Sanjay Vasant Kadam	
2. Namdev Balaram Shelar	
3. Vijay Bhikaji Jadhav	
4. Harischandra Laxman Kadu	
5. Prakash Gopalrao More &	
6. Smt.Sushama Vaishwas	... Applicants
V/s.	
The State of Maharashtra	... Respondent

Mr.S.P. Kadam i/b. Mr.Direndra Mishra a/w. Mr.Pramod Belose for Applicant.
Mr.R.M. Pethe, APP for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 23rd July 2019.

P.C. :

1] These are applications for of substantive sentence and for releasing the applicants on bail.

2] The applicants have been convicted under Section 143, 147, 353, 506 read with 149 of the Indian Penal Code and under Section 3(1)

of the Prevention to Damage the Property Act and under Section 3 of the Maharashtra Prevention of Damage to Public Property Act, 1984 and are sentenced to suffer maximum one year of rigorous imprisonment and to pay total fine of Rs.3500/- each, by the learned Judicial Magistrate First Class, Khed, Ratnagiri, in RCC No.107 of 2005 by its Judgment and Order dated 2nd December 2015.

The Criminal Appeal Nos. 41 of 2015, 19 of 2016 and 07 of 2018 preferred by the applicants have been dismissed by the learned Additional Sessions Judge, Khed, by its common Judgment and Order dated 11th July 2019.

3] The learned counsel for the applicants submitted that, the applicants have already deposited the fine amount in the Registry of the trial Court. He further submitted that during the pendency of the appeal, the applicants were on bail.

4] As the maximum sentence imposed upon the applicants is one year of rigorous imprisonment and the possibility of hearing the Revision Application on its own merits in near future is remote, I am inclined to suspend the substantive sentence imposed upon the applicants and to release them on bail.

5] Hence, following order :

During the pendency of the present Revision Application, the substantive sentence imposed upon the applicants is hereby suspended and the applicants are released on bail on the following terms and conditions.

- (a) 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.*
- (b) The procedure for bail be completed before the trial Court.*
- (c) After their release on bail, applicants shall attend the trial Court on every first Monday of every third month between 11.00 am to 2.00 pm and mark their presence. If the said Monday comes on a holiday or non Court working day, then the applicants shall mark their presence immediately on the next working day.*

6] Both the Applications are allowed in the aforesaid terms.

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

[A.S. GADKARI, J.]