

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

**CRIMINAL APPLICATION NO.1306 OF 2019
WITH
CRIMINAL APPLICATION NO.1307 OF 2019
IN
CRIMINAL APPEAL NO.1071 OF 2019**

Mr. Santosh Prakash Bramhadande Applicants
& Anr.

Vs.

The State of Maharashtra Respondent

Mr. Amit G. Dubey i/by Mr. A.M. Saraogi for the Appellants.

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 under Section 389 Code of Criminal Procedure seeking suspension of substantive sentence during pendency of the appeal. The applicants herein are convicted by the Sessions Court, Sindhudurg at Oros in Sessions Case No.5 of 2017, for the offences punishable under Sections 332, 353, 504 and 506 read with 34 of Indian Penal Code and

sentenced to suffer rigorous imprisonment for three years, two years, two years and two years, fine of Rs.2,000/-, Rs.1,000/-, Rs.1,000/- and Rs.1,000/-, in default simple imprisonment for three months, three months, three months and three years respectively and also convicted under Section 122 read with 177 of Motor Vehicles Act and sentenced to pay fine of Rs.100/-, in default simple imprisonment for 3 days.

3. Learned counsel for the applicants submits that the applicants were on bail during the pendency of the trial and have not committed breach of any conditions imposed upon them. It is also submitted that the applicants have been sentenced to a short term sentence and that there is no possibility of the appeal being finally heard in the near future. Hence, they are entitled to the extension of same relief during pendency of the appeal. Hence, the following order.

ORDER

- i) The applications are allowed and disposed of.
- ii) The substantive sentence imposed upon the applicants vide judgment and order dated 5th July 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) Upon being enlarged on bail, the applicants shall mark their presence before the Sessions Judge, Sindhudurg at Oras, 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.

(Smt. Sadhana S. Jadhav, J)