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

***CRIMINAL APPLICATION NO.1498 OF 2018
(Suspension of Sentence)
IN
CRIMINAL APPEAL NO.1091 OF 2018***

- | | | |
|----|--------------------------|----------------|
| 1. | Mahesh Madhu Andher | |
| 2. | Vijay Govind Rao | |
| 3. | Chandu Jane Dandekar | |
| 4. | Rajesh Chandu Dhadga | |
| 5. | Vikram Babla Vartha | ...Applicants |
| | Versus | |
| 1. | The Union of India | |
| 2. | The State of Maharashtra | ...Respondents |

Mr.V.R.Sutaria, for the Applicants.

Mr.H.S.Venegavkar, for the Respondent No.1.

Mr.P.H.Gaikwad, A.P.P for the Respondent No.2- State.

CORAM : REVATI MOHITE DERE, J.

DATE : 2nd 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. The Applicants vide Judgment and Order dated 23rd July, 2018, passed by learned Sessions Judge, Dadra and Nagar Haveli at Silvassa, in Session Case No.4 of 2010, have been convicted and sentenced as under:-

- for the offences punishable under Section 342 r/w Section 34 of the Indian Penal Code to suffer rigorous imprisonment for 6 months and to pay fine of Rs.1,000/- each, in default of payment of fine, to suffer rigorous imprisonment for 1 month;
- for the offence punishable under Section 395 of the Indian Penal Code to suffer rigorous imprisonment for 5 years and to pay fine of Rs.2,000/- each, in default of payment of fine, to suffer rigorous imprisonment for 1 year;

All the sentences were directed to be run concurrently.

4. The Applicants have preferred the aforesaid Appeal against the Judgment and Order of conviction and sentence. The Applicants Appeal has been admitted by this Court (Coram:A.M.Badar,J.) vide order dated 10th September, 2018. 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.

5. Perused the papers. The Appeal has been admitted this Court vide order dated 10th September, 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.

6. Considering the aforesaid, the application is allowed and the applicants sentence is 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 local 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.

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

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

REVATI MOHITE DERE, J.