

Anand

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

CRIMINAL APPLICATION NO. 2040 OF 2018

(For Bail)

IN

CRIMINAL APPEAL NO. 1506 OF 2018

Sampat alias Anna Balu Kale & ors.

.Applicants

Vs.

The State of Maharashtra

.Respondent

Mr. V. V. Purwant, Advocate, for the Applicants

Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 19.03.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek suspension of their sentence pending the hearing and final disposal of their Appeal.

3. Perused the papers. The Applicants have been convicted for the offence punishable under Section 498-A r/w 34

of the Indian Penal Code and have been sentenced to undergo R. I. for two years and to pay fine of Rs. 1000/- each, in default of payment of fine, to further undergo R. I. for three months. The Applicants were granted bail by the trial Court. Today, whilst a separate order, the Appeal against conviction has been admitted. Similarly, the Appeal filed by the State Government for enhancement of the Respondents' sentence has also been admitted. The sentence imposed is a short term sentence and the Appeal is not likely to be heard immediately in the near future. Learned APP has not brought on record anything to show that the Applicants have not misused / abused liberty granted to them whilst on bail. Hence, the Application is allowed and the Applicants' sentence is suspended pending the hearing and final disposal of the Appeal and the Applicants are enlarged on bail on the following terms & conditions :-

O R D E R

- (i) The Applicants be released on the same bail as furnished in the trial Court. However, the Applicants shall furnish fresh bonds;
- (ii) The Applicants shall report to the learned Sessions

Judge, Solapur once in four months on the date assigned by the learned Sessions Judge, Solapur. Upon failure to attend any two consecutive dates, the learned Sessions Judge, Solapur shall make report to the High Court and the prosecution would be at liberty to file an Application seeking cancellation of the Applicants' bail;

(iii) The Applicants shall inform their latest place of residence and mobile contact numbers and / or change of residence or mobile details, if any, from time to time to the Court, where the Applicants would be reporting.

4. The Application is, accordingly, disposed of.

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

(REVATI MOHITE DERE, J.)