

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPEAL NO.775/2019

Ajay Ramesh Rao Borje and anr

..vs..

State of Mah., thr. PSO Kondhali, Tahsil Katol, District Nagpur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri J.D.Bastian, Counsel for Applicants.

CORAM : V.M.DESHPANDE, J.

DATED : DECEMBER 06, 2019.

1. Heard learned counsel Shri J.D.Bastian for applicants.
2. **Admit.**
3. Learned Additional Public Prosecutor Shri S.M.Ghodeswar, waives service.

Criminal Application (APPA) No.1016/2019

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri J.D.Bastian for applicants and learned Additional Public Prosecutor Shri S.M.Ghodeswar for the State.
3. By judgment and order of conviction, impugned in the appeal, dated 22.10.2019 passed by learned Additional Sessions Judge, Nagpur in Sessions Trial

.....2/-

No.239/2013, applicants were convicted for offence punishable under Section 324 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 2 years each and to pay a fine of Rs.3000/- each and in default of payment of the fine amount to suffer simple imprisonment for 3 months each.

4. It is submission of learned counsel Shri J.D.Bastian for applicants that after the judgment and order of conviction, applicants filed applications to release them on bail. Those applications are at Exhibits 212 and 213. Learned Judge of the Court below suspended the substantive jail sentence and released them on bail on they furnishing bail bonds of Rs.10,000/-.

5. In view of the above, I pass following order:

ORDER

(a) The criminal application is allowed.

(b) The substantive jail sentence imposed upon applicants, by judgment and order of conviction, impugned in the appeal, dated 22.10.2019 passed by learned Additional Sessions Judge, Nagpur in Sessions Trial No.239/2013 for offence punishable under Section 324 read with Section 34 of the Indian Penal Code, shall remain suspended during the pendency of the present appeal.

(c) Applicants be released on bail on they executing a P.R.Bond in the sum of Rs.10,000/- each with one solvent

surety of the like amount each. They shall execute fresh P.R.Bond before learned Judge of the Court below within a period of one month from today.

(d) Applicants are directed to attend Kondhali Police Station, Tahsil Katol, District Nagpur once in 6 month during the pendency of the present appeal.

(3) Applicants to remain personally present before this Court at the time of final hearing of the present appeal.

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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