

Anand

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

Nisha S. Chitnis
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Chitnis
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**INTERIM APPLICATION NO. 1 OF 2020
IN
CRIMINAL APPEAL NO. 66 OF 2020**

Bapusaheb @ Pappa Jaywant Bile & ors. .Applicants

Vs.

The State of Maharashtra & anr. .Respondents

**WITH
INTERIM APPLICATION NO. 1 OF 2020
IN
CRIMINAL APPEAL NO. 65 OF 2020**

Suresh Gorakhnath Bile & ors. .Applicants

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Subir U. Sarkar, Advocate, for the Applicants **in both matters**
Ms Madhavi H. Mhatre, APP, for the Respondent No. 1 – State **in Cri. Appeal No. 66 of 2020**
Mr. Amit Palkar, APP, for the Respondent No. 1 – State **in Cri. Appeal No. 65 of 2020**

CORAM : REVATI MOHITE DERE, J.

DATE : 26.06.2020

(THROUGH VIDEO CONFERENCE)

P. C.

. Heard learned counsel for the parties.

2. By these Applications, the Applicants seek suspension of their sentences and enlargement on bail, pending the hearing and final disposal of their Appeals.

3. Perused the papers. The Appeals filed by the aforesaid Applicants have been admitted by this Court vide order dated 02.03.2020. The Applicants have been convicted for the offences punishable under Sections 326, 323, 324, 354, 504, 506, 147, 148 r/w 149 of the Indian Penal Code. The Applicants have also been convicted for the offences punishable under Sections 3(1), (iii)(v)(x)(xi)(xiv), 3(2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and have been sentenced to suffer different imprisonments for the said offences. The maximum sentence imposed on the Applicants is one under Section 326 r/w 149 of the Indian Penal Code for five years. The fine amounts have been deposited by the Applicants. It is not in dispute that the Applicants were on bail pending trial and have not abused or misused the conditions of bail. The sentence imposed is a short term sentence and the Appeals which have been admitted are not likely to come up for the hearing in the immediate near future.

4. Learned counsel for the Respondents vehemently opposes grant of bail.

5. Perused the papers. The sentence imposed is a short term sentence and the Appeals are not likely to be heard in the immediate near future. There is nothing to show that the Applicants whilst on bail have abused their liberty. Considering the aforesaid, the Applications are allowed and the Applicants' sentences are suspended and they are enlarged on bail, pending the hearing and final disposal of their Appeals, on the following terms and conditions :-

O R D E R

(i) The Applicants be enlarged on bail, on executing P. R. Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount;

(ii) The Applicants shall report to the trial Court, once in four months on the day / date specified by the trial Court, till their Appeals are finally disposed of;

(iii) The Applicants shall keep the trial Court informed of their current addresses and mobile contact numbers and / or change of residences 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 the Applicants' bail.

5. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

All concerned to act on the copy of this order, digitally signed by the Personal Assistant of this Court.

(REVATI MOHITE DERE, J.)