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

***CRIMINAL INTERIM APPLICATION NO.500 OF 2021
IN
CRIMINAL APPEAL NO.137 OF 2021***

1. Ravi Shahaji Ghante
 2. Maruti @ Anna Nagnath More
 3. Aadam Hajrat Shaikh
 4. Pramod @ Parmeshwar Hanmant Sale
 5. Maheboob Chand Nadaf
 6. Somling Maruti Kore
 7. Suresh Bhagwan Ghante
- ...Applicants
- Versus
- The State of Maharashtra
- ...Respondent

Mr. Mohammad S. Mulla, for the Applicants.

Mr. A. R. Patil, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th FEBRUARY, 2021

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 the aforesaid appeal.

3. The applicants vide Judgment and Order dated 19th December, 2020, passed by learned Additional Sessions Judge, Solapur, in Sessions Case No.293 of 2017, have been convicted and sentenced as under:-

- Applicant Nos.1 to 5 are convicted for the offence punishable under Sections 143, 147, 148, 324 r/w 149 of the Indian Penal Code and Applicant Nos. 6 and 7 are convicted for the offence punishable under Sections 143, 147, 324 r/w 149 of the Indian Penal Code ('I.P.C');
- for the offence punishable under Section 143 of the I.P.C, all the applicants, to suffer simple imprisonment for 1 month and to pay fine of Rs.100/- each, in default of payment of fine, to suffer simple imprisonment for 1 week;
- for the offence punishable under Section 147 of the I.P.C, all the applicants, to suffer simple imprisonment for 3 months and to pay fine of Rs.500/- each, in default of payment of fine, to suffer simple imprisonment for 1 month;
- for the offence punishable under Section 324 r/w 149 of the I.P.C, all the applicants, to suffer simple imprisonment for 1 year and to pay fine of Rs.1000/- each, in default of payment of fine, to suffer simple imprisonment for 1 month;
- for the offence punishable under Section 148 of the I.P.C, Applicant Nos. 1 to 5, to suffer simple imprisonment for 1 month and to pay fine of

Rs.200/- each, in default of payment of fine, to suffer simple imprisonment for 15 days.

All the applicants were however acquitted of the offence punishable under Sections 307, 341, 504, 506, 149 of the I.P.C.

Applicant Nos. 6 and 7 were acquitted for the offence punishable under Section 148 of I.P.C.

The said substantive sentences were directed to run concurrently.

4. Perused the papers. It is not in dispute that the applicants were on bail pending trial and even post conviction, their sentences were suspended to enable the applicants to file the aforesaid appeal. The Appeal is not likely to come up for the hearing in the immediate near future. The sentences awarded are short term sentences.

5. Considering the aforesaid, the application is allowed and the applicants sentences are suspended and they are enlarged on bail, pending the hearing and final disposal of the aforesaid 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.20,000/- each with one or two 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 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.

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

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

REVATI MOHITE DERE, J.