

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

***INTERIM APPLICATION NO. 994 OF 2021
IN
CRIMINAL APPEAL NO. 264 OF 2021***

1. Nagnath Ganpati Dupargude	
2. Shivdas Laxman Dupargude	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Ujwal R. Agandsurve for the Applicants

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 25th MARCH 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 appeal.

3 The applicants, vide judgment and order dated 26th February 2021 passed by learned Additional Sessions Judge, Solapur, in Sessions Case No. 119 of 2019, has been convicted and sentenced as under:-

- for the offence punishable under Section 353 of the Indian Penal Code, to suffer simple imprisonment for 4 months each and to pay a fine of Rs.2,500/- each, in default of payment of fine, to undergo simple imprisonment for 20 days;
- for the offence punishable under Section 332 of the Indian Penal Code, to suffer simple imprisonment for 1 month each and to pay fine of Rs.1,000/- each, in default of payment of fine, to undergo simple imprisonment for 15 days;
- for the offence punishable under Section 341 of the Indian Penal Code, to suffer simple imprisonment for 15 days each and to pay fine of Rs.300/- each, in default of payment of fine, to undergo simple imprisonment for 7 days;
- for the offence punishable under Section 342 of the Indian Penal Code, to suffer simple imprisonment for 1 month each and to pay fine of Rs.500/- each, in default of payment of fine, to undergo simple imprisonment for 10 days;

- for the offence punishable under Section 452 of the Indian Penal Code, to suffer simple imprisonment for 1 month each and to pay fine of Rs.700/- each, in default of payment of fine, to undergo simple imprisonment for 10 days;

All the sentences were directed to run concurrently.

4 It is not in dispute that the applicants were on bail pending trial and even post their conviction, their sentence has been suspended. It is also not in dispute that the applicants have not misused or abused the liberty granted to them. The applicants have deposited the fine amount as awarded by the trial Court. The appeal has been admitted by a separate order passed today. The sentence awarded is a short term sentence. The appeal is not likely to be heard in the immediate near future.

5 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 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.15,000/- 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 appeal is finally disposed of;

iii) The applicants shall keep the trial Court informed of their current addresses and mobile contact numbers 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 disposed of accordingly.

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

REVATI MOHITE DERE, J.