

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

***CRIMINAL INTERIM APPLICATION NO. 1032 OF 2021
IN
CRIMINAL APPEAL NO. 277 OF 2021***

1. Goudappa Govind Birajdar	
2. Mantesh Govind Birajdar	
3. Bhimu Govind Birajdar	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Sagar Tambe i/b Mr. R. M. Thobde 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 24th February 2021 passed by learned Additional Sessions Judge, Pandharpur, in Sessions Case No. 44 of 2019, have been convicted and sentenced as under:-

- for the offences punishable under Sections 332 and 353 of the Indian Penal Code, to suffer rigorous imprisonment for 6 months and to pay fine of Rs.2,000/- each, in default of payment of fine, to undergo simple imprisonment for 1 month;
- for the offence punishable under Section 323 of the Indian Penal Code, to suffer rigorous imprisonment for 1 month and to pay fine of Rs.1,000/-, in default of payment of fine, to undergo simple imprisonment for 15 days;

Both the substantive sentences were directed to run concurrently.

4 The maximum sentence imposed on the applicants, is six months. It is not in dispute that the applicants were on bail pending trial and 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 and the same is not likely to come up for hearing in the immediate near future. The sentence awarded is a short term sentence.

5 Accordingly, the application is allowed and the applicants' sentence is suspended and they are enlarged on bail, pending the hearing and final disposal of the 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/- 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 appeal is finally disposed of;
- iii) The applicant shall keep the trial Court informed of his 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 disposed of accordingly.

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

REVATI MOHITE DERE, J.