

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL I.A. NO. 1043 OF 2021****IN****CRIMINAL REVISION APPLICATION NO. 84 OF 2021**

Somnath Tukaram Bhosale & Ors.

....Applicants.

Vs.

The State Of Maharashtra

....Respondent.

Mr. R.S. Kale for the Applicants.

Mr. Amit Palkar, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 22nd MARCH, 2021.****P.C.:-**

This is an Application for suspension of sentence and releasing the Applicants on bail.

2 Heard Mr. Kale, learned Advocate for the Applicants and Mr. Palkar, learned APP for the Respondent-State.

3 The Applicants are Original accused Nos.1 to 3. The Applicants have been convicted under Section 65(a) and (e) of the Bombay Prohibition Act and are sentenced to suffer rigorous imprisonment for 3 years and to pay fine amount of Rs.3,000/- each, by the learned Judicial Magistrate, First Class, Solapur in S.C.C. No.5012 of 2017, by its Judgment and Order dated 21st February, 2018.

Criminal Appeal No.19 of 2018 preferred by the Applicants has

been dismissed by the learned Additional Sessions Judge, Solapur by its Judgment and Order dated 12th March, 2021.

4 Mr. Kale, learned Advocate for the Applicants, on instructions, submitted that, the Applicants have already deposited entire fine amount in the Registry of the Trial Court. He further submitted that, during the pendency of the Appeal, the Applicants were released on bail and there is no report of breach of any of the conditions imposed upon them. He submitted that, on the date of pronouncement of impugned Judgment and Order, the Applicants have been taken into custody by the Appellate Court for undergoing sentence.

5 The record indicates that the Applicants have already undergone imprisonment of 304 days, out of total sentence of 3 years as of today. The sentence imposed upon the Applicants is a short term sentence and the possibility of hearing of the present Revision Application on its own merits in near future is remote. In view thereof, the sentence imposed upon the Applicants can be suspended and they can be released on bail.

6 Hence the following Order:-

- a) During the pendency of the present Revision Application, the substantive sentence imposed upon the Applicants is suspended.
- b) Applicants be released on bail in S.C.C. No.5012 of 2017, on their furnishing PR bond of Rs.25,000/- each

with one or two separate solvent local sureties in the like amount.

- c) After their release from Jail, the Applicants shall attend the office of State Excise Department, A-2 Division, Solapur on every first Monday of the month between 10.00 a.m. and 12.00 noon and make their presenty, initially for a period of one year.

After completion of one year, the Applicants shall attend the, State Excise Department, A-2 Division, Solapur on every first Monday of the every 3rd Month between 10.00 a.m. and 12.00 noon. Applicants thus, shall attend State Excise Department, A-2 Division, Solapur, 4 times in a year during the pendency of the present Revision Application.

- d) If the Applicants commit two consecutive defaults in complying with condition No.(c) above, in that event, the prosecution will be at liberty to file an Application for cancellation of bail.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)