

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 43 OF 2017****IN****REVISION APPLICATION NO. 47 OF 2017**

Ganesh Sunil Jadhav & Anr.

....Applicants.

Vs.

The State Of Maharashtra

....Respondent.

Mr. Vikas Shivarkar for the Applicants.

Mr. A.R. Patil, APP for the Respondent-State.

Mr. A. M. Patil, API, Faraskhana Police Station, Pune.

CORAM : A. S. GADKARI, J.**DATE : 5th MARCH, 2021.****P.C.:-**

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

2 Heard Mr. Shivarkar, learned Advocate for the Applicants and Mr. Patil, learned APP for the Respondent-State.

3 The record indicates that, in furtherance of Order dated 25th February, 2021, the Applicants have now been lodged to Taloja Central Prison for undergoing their sentence.

4 The Applicants have been convicted under Section 379 read with Section 34 of the Indian Penal Code and are sentenced to suffer rigorous imprisonment for one year each and to pay fine of Rs.1,000/- each

by the learned Judicial magistrate, First Class Court No.2, Pune, in RCC No.403833 of 2009.

Criminal Appeal No.524 of 2013 preferred by the Applicants has been dismissed by the learned Additional Sessions Judge, Pune by its Judgment and Order dated 2nd November, 2016.

5 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 R.C.C. No.403833 of 2009, on their furnishing PR bond of Rs.15,000/- each with one or two separate local sureties in the like amount.
- c) Before their actual release from Jail, the Applicants shall deposit the entire fine amount, imposed upon them by the impugned Judgment and Order in the Registry of the Trial Court, if not already deposited.

- d) After their release from Jail and during the pendency of the present Revision, the Applicants shall attend Faraskhana Police Station, Pune on every first Monday of the month between 10.00 a.m. and 12.00 noon, initially for a period of one year.

After one year, the Applicants shall attend the Faraskhana Police Station, on every first Monday of the every 3rd Month between 10.00 a.m. and 12.00 noon. The Applicants thus, shall attend Faraskhana Police Station, 4 times in a year during the pendency of the present Revision Application.

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

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)