

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 829 OF 2021

IN

CRIMINAL REVISION APPLICATION NO. 65 OF 2021

1.	Prathamesh @ Babalya Ravindra Manjarekar	]	
2.	Kaushik Laxman Morje	]	... Applicant

V/s.

The State of Maharashtra	]	... Respondent
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Mr.A.S. Khandeparkar a/w. Mr.Rohit Mahadik and Mr.Shubham Jawlekar i/b.
Khandeparkar & Associates for Applicant.
Mrs.Rutuja Ambekar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 8th March 2021.

PC. :

Leave to amend prayer Clause.

Amendment be carried out forthwith.

2. This is an application for suspension of sentence and releasing the applicant on bail.

3. Heard Mr.Khandeparkar, learned counsel for the applicant and Mrs.Ambekar, learned A.P.P. for the respondent-State.

4. The applicants are convicted for the offence punishable under Section 354-D read with 34 of the Indian Penal Code and are sentenced to suffer rigorous imprisonment of one year and to pay a fine of Rs.2,000/- each, in default of payment of fine to further suffer rigorous imprisonment for one month each, by the learned Judicial Magistrate First Class, Vengurla in R.C.C. No. 35 of 2013 by its Judgment and Order dated 7th June 2016.

Criminal Appeal No.53 of 2016 preferred by the applicants has been dismissed by the learned Sessions Judge, Sindhudurg-Oros by its Judgment and Order dated 9th February 2021.

5. Mr.Khandeparkar, learned counsel for the applicants submitted that, during the pendency of the trial so also in appeal the applicants were released on bail and there is no report of breach of any of the conditions. He further on instructions submitted that, the applicants have already deposited entire fine amount in the Registry of the Trial Court. He submitted that, on the date of pronouncement of the impugned Judgment and Order, the applicants have been taken into custody for undergoing sentence by the Appellate Court.

6. The sentence imposed upon the applicants is a short term sentence. The possibility of hearing the present Revision on its own merits in near future is remote.

In view thereof, the substantive sentence imposed upon the applicants can be suspended and the applicants can be released on bail.

7. Hence, the following Order :-

- (i) During the pendency of the present Revision, the substantive sentence imposed upon the applicants is suspended.
- (ii) The Applicants be released on bail in R.C.C. No. 35 of 2013 on their furnishing P.R. bond of Rs.10,000/- each, with one or two local sureties in the like amount.
- (iii) After their release from jail, the applicants shall attend Vengurla Police Station, District Sindhudurg, on every first Monday of every 3rd Month, between 10:00 am and 12:00 noon. The applicants thus shall attend Vengurla Police Station 4 times in a year during the pendency of the present Revision.
- (iv) If the applicants commit two consecutive defaults in complying with condition No.(iii) above, in that event, the prosecution will be at liberty to file an application for cancellation of bail.

8. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]

Omkar S.
Kumbhakarn

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