

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 777 OF 2021

IN

CRIMINAL REVISION APPLICATION NO. 58 OF 2021

Chandrakant Vishnu Mind & Ors.

... Applicants

V/s.

The State of Maharashtra

... Respondent

Mr. Shailesh Chavan for Applicants.

Mrs. Rutuja Ambekar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 3rd March 2021.

PC. :

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

2. Heard Mr. Chavan, learned counsel for the applicants and Mrs. Ambekar, learned A.P.P. for the respondent-State.

3. The applicants have been convicted under Section 324, 323 read with 34 of the Indian Penal Code and are sentenced to suffer maximum simple imprisonment of 6 months each and to pay a total fine of Rs.300/- each, by the learned Judicial Magistrate First Class, Court No.2, Phaltan, District Satara in Regular Criminal Case No. 55 of 2008 by its Judgment and Order dated 7th January 2014.

Criminal Appeal No.14 of 2014 preferred by the applicants has been dismissed by the learned Additional Sessions Judge, Satara by its Judgment and Order dated 15th February 2020.

4. Learned counsel for the applicants submitted that, immediately after pronouncement of the impugned Judgment and Order, the applicants have been taken into custody for undergoing sentence. He, on instructions, submitted that, the applicants have already deposited entire fine amount in the Registry of the Trial Court. He submitted that, the applicants were on bail during the pendency of the trial so also in appeal and there is no report of breach of any of the conditions imposed upon them.

5. 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, sentence imposed upon the applicants can be suspended and the applicants can be released on bail.

6. 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 Regular Criminal Case No. 55 of 2008 on their furnishing P.R. bond of Rs.10,000/- each, with one or two separate local sureties

in the like amount.

- (iii) After their release from Jail and during the pendency of the present Revision, the applicants shall attend Phaltan Police Station on every first Monday of every 3rd Month between 10:00 am and 12:00 noon. The applicants thus shall attend Phaltan Police Station 4 times in a year during the pendency of the present Revision.
- (iv) If the applicant commits 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.

7. Application is allowed in the aforesaid terms.

8. All the concerned to act on the basis of the authenticated copy of this Order.

[A.S. GADKARI, J.]

Omkar S.
Kumbhakarn
Digitally signed
by Omkar S.
Kumbhakarn
Date:
2021.03.03
18:17:44
+0530