

nsc.

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

***CRIMINAL INTERIM APPLICATION NO.860 OF 2021
IN
CRIMINAL APPEAL NO.228 OF 2021***

1.	Sham Purushottam Deshmukh	
2.	Kiran Dadasaheb Shelke	...Applicants/Appellants
	Versus	
	The State of Maharashtra	...Respondent

Ms. Sandhya Mailagir i/b Mr. Anil D. Joshi, for the Applicants/Appellants.

Ms. S. V. Sonawane, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 15th 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 their appeal.
3. The applicants vide Judgment and Order dated 28th January 2021, passed by learned Additional Sessions Judge, Kalyan, in Sessions

Case No. 98 of 2013, have been convicted and sentenced as under:-

- for the offence punishable under Section 427 of the Indian Penal Code instead of sentencing them at once, the applicants are released on probation of good conduct for a period of one year on their entering into personal bond of Rs.15,000/- each to appear and receive sentence as and when called upon during such period of one year;
- In addition to the aforesaid, the applicants are directed to pay compensation under Section 357(3) of Code of Criminal Procedure of Rs.7,000/- each, in default, to undergo simple imprisonment for 45 days each and the amount of compensation if deposited by the applicants be given to Hotel Rajmudra's owner viz. Sau. Shalini Namdev Pol;
- The applicant No. 1 is also convicted for the offence punishable under Section 354 of the Indian Penal Code and sentenced to undergo 6 months rigorous imprisonment and to pay fine of Rs.10,000/-, in default, to undergo 2 month's simple imprisonment;
- If the aforesaid fine amount is deposited by the applicant No.1, the same be paid to the victim girl (PW 3), as and by way of compensation under section 357(1) of the Code of Criminal Procedure.

4. It is not in dispute that the applicants were on bail pending trial and even post their conviction their sentence has been suspended and

they are enlarged on bail under Section 437-A of Code of Criminal Procedure. The Appeal has been admitted by a separate order passed today and the same is not likely to come up for the hearing in the immediate near future. The sentence awarded is a short term sentence. It is informed that the fine amounts are already been deposited by the applicants. Statement accepted.

5. Considering the aforesaid, the application is allowed and the applicants sentence is suspended and they are enlarged on bail, pending the hearing and final disposal of their 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 Applicants shall keep the trial Court informed of their 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 allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.