

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 859 OF 2021
IN
CRIMINAL APPEAL NO. 223 OF 2021

- | | |
|------------------------------|---------------|
| 1. Gokul Somnath Turkune | |
| Age : 39 years, | |
| 2. Anna Somnath Turkune | |
| Age : 34 years, | |
| 3. Santosh Raghunath Turkune | |
| Age : 33 years | ...Applicants |
| Versus | |
| State of Maharashtra | ...Respondent |

Mr. N. R. Bubana for the Applicants.

Mr. P.H.Gaikwad, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 12th 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 17/02/2021 passed by the learned Additional Sessions Judge, Malegaon in Sessions Case No.94 of 2014, have been convicted and sentenced as under :-

- for the offence punishable under Section 323 r/w 34 of the Indian Penal Code to suffer rigorous imprisonment for 1 year and to pay fine of Rs.1,000/- each, in default to undergo further simple imprisonment for 15 days;

The applicants were acquitted of the offence punishable under Sections 307, 324, 504, 506 r/w 34 of the Indian Penal Code.

All the substantive sentences were directed to run concurrently.

4 Perused the papers. It is not in dispute that the applicants were on bail pending trial and that they have not abused or misused the liberty granted to them pending the trial and even post their conviction. The sentence awarded is a short term sentence. The appeal has been admitted by a separate order passed in the aforesaid appeal. The same is not likely to be heard in the immediate near future.

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 three 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 addresses and mobile contact numbers 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 applicants' bail.

6. The application is accordingly disposed of.

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

REVATI MOHITE DERE, J.