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

***CRIMINAL INTERIM APPLICATION NO.1010 OF 2021
IN
CRIMINAL APPEAL NO.268 OF 2021***

1.	Arjun Sitaram Hilam	
2.	Babu Kanhu Waghmare	
3.	Manohar Sitaram Hilam	
4.	Vishnu Janku Waghmare	
5.	Narayan Bhaga Jadhav @ Waghmare	
6.	Shantaram Balu Mukane	...Applicants
Versus		
	The State of Maharashtra	...Respondent

Mr. Priyal G. Sarada, for the Applicants.

Mr. S. V. Gavand, A.P.P for the Respondent – State.

PSI – D. B. Desai, Vadgaon Maval Police Station, Pune (Rural), is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th 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 the aforesaid appeal.

3. The applicants vide Judgment and Order dated 18th December 2020, passed by learned Additional Special Judge under MCOC Act, Pune, in MCOCA Special Case No. 15 of 2014, have been convicted and sentenced, as under:-

- for the offence punishable under Section 395 of the Indian Penal Code, to suffer rigorous imprisonment for 8 years and to pay fine of Rs.2,000/- each, in default of payment of fine, to undergo simple imprisonment for 2 months;
- for the offence punishable under Section 3(1)(ii) of Maharashtra Control of Organized Crime Act (MCOC Act), to suffer rigorous imprisonment for 8 years and to pay fine of Rs.5,00,000/- each in default of payment of fine, to undergo simple imprisonment for 12 months;
- for the offence punishable under Section 3(4) of Maharashtra Control of Organized Crime Act (MCOC Act), to suffer rigorous imprisonment for 8 years and to pay fine of Rs.5,00,000/- each, in default of payment of fine, to undergo simple imprisonment for 12 months.

All the aforesaid sentences were directed to run concurrently

4. The maximum sentence imposed is 8 years. Out of the 8 years, the applicants are in custody for about 6 years 9 months. Learned APP does

not dispute the same.

5. 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 maximum sentence imposed is 8 years. Out of the 8 years, the applicants are in custody for about 6 years 9 months.

6. Considering the aforesaid and the judgment of the Apex Court in the case of ***Kiran Kumar v/s State of M.P.***¹, 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.20,000/- 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 address and mobile contact number and/or change of residence or

¹(2001) 9 SCC 211.

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.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.