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

***CRIMINAL INTERIM APPLICATION NO.1080 OF 2021
(FOR SUSPENSION)***

WITH

***CRIMINAL INTERIM APPLICATION NO.1081 OF 2021
(FOR BAIL)***

IN

CRIMINAL APPEAL NO. 294 OF 2021

- | | | |
|----|-----------------------------|---------------|
| 1. | Prashant Bhagwantrao Pokale | |
| 2. | Ritesh Suresh Jadhav | |
| 3. | Rahul Ashok Kuche | ...Applicants |
| | Versus | |
| | State of Maharashtra | ...Respondent |

Mr. Yuvraj P. Narvankar, for the Applicants.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 5th APRIL, 2021

P.C. :

1. Heard learned counsel for the parties.
2. By these applications, 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 23rd February 2021, passed by learned Assistant Sessions Judge, Pune, in Session Case No.455 of 2019, have been convicted and sentenced as under:-

- for the offences punishable under Section 332 r/w Section 34 of the Indian Penal Code to suffer rigorous imprisonment for 3 months and to pay fine of Rs.2,000/-, in default, to suffer simple imprisonment for 1 month;
- for the offences punishable under Section 353 r/w Section 34 of the Indian Penal Code to suffer rigorous imprisonment for 3 months and to pay fine of Rs.2,000/-, in default, to suffer simple imprisonment for 1 month;
- for the offence punishable under Section 186 r/w Section 34 of the Indian Penal Code to suffer rigorous imprisonment for 1 month and to pay fine of Rs.1,000/-, in default, to suffer simple imprisonment for 15 days.

4. It appears that the applicants were on bail pending trial and even post their conviction their sentence has been suspended. 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.

5. Considering the aforesaid, the applications are 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 Applications are allowed in the aforesaid terms and are accordingly disposed of.

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

REVATI MOHITE DERE, J.