

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1261 OF 2021
IN
CRIMINAL APPEAL NO. 371 OF 2021

1. Mallaya @ Sachin Basayya Swami
2. Sachin Maharudra Badure
3. Ramesh Apasha Bhimnavaru
4. Mallikarjun @ Mallu Shivshankar Badure ...Applicants.

Versus

State of Maharashtra and Anr. ...Respondents

Advocate Priyal G. Sarda for the Applicants.

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

CORAM : REVATI MOHITE DERE, J.
DATE : 23rd APRIL, 2021
(Through Video Conferencing)

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 01/04/2021 passed by the learned Additional Sessions Judge, Solapur in Sessions Case No.197 of 2018, have been convicted and sentenced as under:-

- for the offence punishable under Section 436 r/w 34 of the Indian Penal Code, to suffer rigorous imprisonment for 5 years and to pay fine of Rs.25,000/- each, in default to undergo further simple imprisonment for 5 months;
- for the offence punishable under Section 384 r/w 34 of the Indian Penal Code, to suffer rigorous imprisonment for 6 months and to pay fine of Rs.1,000/- each, in default, to undergo further simple imprisonment for 15 days;
- for the offence punishable under Section 427 r/w 34 of the Indian Penal Code, to suffer rigorous imprisonment for 6 months and to pay fine of Rs.1,000/- each, in default, to undergo further simple imprisonment for 15 days;
- for the offence punishable under Section 504 r/w 34 of the Indian Penal Code, to suffer rigorous imprisonment for 6 months and to pay fine of Rs.1,000/- each, in default, to undergo further simple imprisonment for 15 days;

All the substantive sentences were directed to run concurrently.

4. It is not in dispute that all the applicants were on bail, pending trial and that they have not abused or misused their liberty. The appeal has been admitted by a separate order passed today, in the aforesaid appeal. The sentence imposed is a short term sentence and the appeal is not likely to be heard in the immediate near future. Even otherwise, arguable questions have been raised by the learned Counsel for the applicants.

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 released on cash bail in the sum of Rs.20,000/- each, for a period of eight weeks;
- ii) The applicant shall within the said period of eight weeks, furnish 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 six 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 bail.

6. The application is accordingly disposed of.

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

REVATI MOHITE DERE, J.