

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

***INTERIM APPLICATION NO. 1344 OF 2021
(For Suspension of Sentence)***

***WITH
INTERIM APPLICATION NO. 1343 OF 2021
(For Bail)***

***IN
CRIMINAL APPEAL NO. 422 OF 2021***

1. Rupesh Dashrath Shivgan

2. Ajay Raju More

...Applicants

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Dattatraya H. Kumthekar for the Applicants

Mr. S. V. Gavand, A.P.P for the Respondent No.1–State

None for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
(THROUGH VIDEO-CONFERENCING)
MONDAY, 3rd MAY 2021

P.C. :

1 At the outset, learned counsel for the applicants seeks leave to amend, to delete respondent No. 2 from the array of respondents. Leave granted. Amendment to be carried out in both the applications, within two weeks from today.

2 Heard learned counsel for the parties.

3 By these applications, the applicants seek suspension of their sentences and enlargement on bail, pending the hearing and final disposal of the appeal.

4 The applicants, along with another co-accused, vide judgment and order dated 25th March 2021 passed by the learned Additional Sessions Judge, Greater Mumbai, in Session Case No. 638/2019, have been convicted and sentenced as under:

- for the offences punishable under Section 353 r/w 34 of the Indian Penal Code, to undergo simple imprisonment for 1 year;
- for the offences punishable under Section 332 r/w 34 of the Indian Penal Code, to undergo simple imprisonment for 6 months;
- for the offences punishable under Section 341 r/w 34 of the Indian Penal Code, to undergo simple imprisonment for 7 days.

All the aforesaid sentences were directed to run concurrently.

5 It is not in dispute that the applicants were on bail pending trial and even post their conviction, their sentences have been suspended. It is also not in dispute that whilst on bail, the applicants have not misused or abused the liberty granted to them. The appeal has been admitted by a separate order passed today. The sentence awarded is a short term sentence and the appeal is not likely to be heard in the immediate near future.

6 Considering the aforesaid, the application is allowed and the applicants' sentences are 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 six months on the day/date specified by the trial Court, till their appeal is finally disposed of;

(iii) The applicants shall not contact or threaten the victim, witnesses or any person concerned with the case;;

(iv) 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;

7 The applications are disposed of accordingly.

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

REVATI MOHITE DERE, J.