

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 961 OF 2021

Ravi Anna Jadhav and Ors.Applicants

V/s.

State of Maharashtra and anr.Respondents

* * * *

Mr. Shany @ Sanjay T. Raikar, *Advocate for the applicants.*

Mr. A.R. Patil, *APP for State.*

Investigating Officer, PSI, Mr. S.M. Dongare from Sahar Police Station present.

Coram : Sandeep K. Shinde, J.

Wednesday, 17th November, 2021.

P.C. :

1. Applicants were convicted under Sections 341 and 394 of the Indian Penal Code and sentenced to suffer simple imprisonment for one month and three years respectively, besides fine of Rs.20,000/- each. Sentence was suspended by the learned Additional Chief Metropolitan Magistrate, 22nd Court, Andheri, Mumbai

in exercise of powers under Section 389(3) of the Criminal Procedure Code. Whereafter, applicants preferred Criminal Appeal No.143/2021 and moved an application for bail. This application, was rejected on 30th October, 2021. Hence, this application under Section 482 of the Criminal Procedure Code.

2. Heard learned Counsel for the applicant and learned APP for State.

3. Perused the judgment and the impugned order. In this case, the sentence was suspended by the Court, which convicted the applicants. Although the powers under Section 389(3) are discretionary, in my view, the reasons recorded while declining the suspension of the sentence were justifiable.

4. It may be stated that, pending trial, the applicants were on bail and they had not misused the liberty.

5. In consideration of the facts of the case, the impugned order is set aside and the impugned sentence stands suspended pending bail.

6. In the result, the applicants are directed to be released on bail on the same terms and conditions, on which they were released pending trial. Bail bonds are to be furnished before the trial Court.

7. Application is allowed and disposed off.

(Sandeep K. Shinde, J.)