

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

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**INTERIM APPLICATION NO.2930 OF 2021
IN
CRIMINAL APPEAL NO.988 OF 2021**

1) Hanmant Yallappa Naikwade
2) Prakash Hanmant Naikwade ...Applicants
3) Vitthal Bhimsha Naikwade
4) Khajappa Vitthal Naikwade
5) Siddhanna Basavraj Dodmani

Versus

The State of Maharashtra ...Respondents

....

Ms Seema Singh i/b. Mr. H.N. Associates for the Applicants.
Mr. P.H. Gaikwad, APP for Respondent No.2-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 8th DECEMBER, 2021.

P.C.:-

This an application under Section 389 of the Code of Criminal Procedure, 1973 for suspension of substantive sentence imposed vide judgment dated 11/11/2021 passed by the learned Additional Sessions Judge, Solapur, in Sessions Case No.342 of 2017 and to enlarge the Applicants on bail.

2. By the impugned judgment, the learned Judge held the

Applicants guilty of offences punishable under Sections 143, 147 and 307 r/w 149 of the IPC. He has been sentenced to suffer rigorous imprisonment for seven years and to pay fine of Rs.2000/- i/d. to undergo further imprisonment for two months for the offences punishable under Section 307 r/w 149 of the IPC.

3. Heard Mr. Sagar Tambe, learned counsel for the Applicants and Mr. PH. Gaikwad, learned APP for Respondent-State. I have perused the records and considered the submissions advanced by learned counsel for the respective parties.

4. The sentence imposed is a short term sentence. The appeal is already admitted. Considering the large pendency of the cases and the present situation arising due to Covid-19 pandemic, final hearing of the appeal will take considerable time. It is stated that the Applicants were on bail pending trial and have not misused the liberty.

5. In view of the above facts and also considering the nature of accusations against the Applicants, this is a fit case for suspension

of substantive sentence pending hearing of the appeal. Hence, the Application is allowed on following terms and conditions :-

- (i) The substantive sentence imposed on the Applicants vide judgment dated 11/11/2021 in Sessions Case No.342 of 2017 is suspended pending disposal of the appeal;
- (ii) The Applicants are ordered to be released on bail on furnishing bail bonds in the sum of Rs.15,000/- each with one or two sureties each in the like amount;
- (iii) The Applicants shall report to the Trial Court, once in three months on the day/date specified by the Trial Court, till the appeal is finally disposed of;
- (iv) The Applicants shall keep the Trial Court informed of their current address and mobile contact numbers and /or change of residence or mobile details, if any, from time to time;
- (v) 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 stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)