

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

906 CRIMINAL APPLICATION NO. 2043 OF 2022  
IN APPEAL/457/2022

(1) DHANANJAY @ DHANRAJ SANDIPAN CHANDANSHIVE  
(2) DILIP KASHINATH CHANDANSHIVE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr Sudarshan J. Salunke  
APP for Respondent No.1/State : Mr G.O. Wattamwar

**CORAM : SHRIKANT D. KULKARNI , J.**

**DATE : 29<sup>th</sup> JULY, 2022**

**PER COURT :**

1. It is an application for suspension of sentence and bail moved by the applicants/accused Nos. 6 and 7.
2. Heard Mr S.J. Salunke, learned counsel for the applicants and Mr G.O. Wattamwar, learned APP for the State.
3. Mr Salunke, learned counsel for the applicants submitted that both the applicants were on bail during the trial. They have been convicted under section 307 of Indian Penal Code and sentenced to suffer rigorous imprisonment for five years and fine of Rs.5,000/-. Both the applicants have deposited fine with the Sessions Court at Osmanabad. He submitted that the applicants/accused Nos. 6 and 7 may be released on bail by suspending sentence.
4. Mr Wattamwar, learned APP for the State strongly opposed to release the applicants on bail by suspending the sentence.

5. I do not find any force in the objections raised by Mr Wattamwar, learned APP for the State. It appears from the record that both the applicants were on bail during the trial. They have deposited the fine amount with the Sessions Court at Osmanabad. It would take considerable time to decide the appeal on its own merits. There are no extraordinary circumstances to keep the applicants behind the bars during the pendency of appeal. It is necessary to allow this application.

**ORDER**

- (i) The criminal application is allowed.
- (ii) The execution of substantive sentence passed against the applicants/original accused Nos. 6 and 7 (Dhananjay @ Dhanraj Sandipan Chandanshive and Dilip Kashinath Chandanshive) in Sessions Case No. 98/2013 dated 26.05.2022 by the Additional Sessions Judge at Osmanabad is hereby suspended till final decision of the appeal.
- (iii) Both the applicants/accused Nos. 6 and 7 shall be released on bail on their furnishing PR Bond of Rs. 15,000/- (Rupees Fifteen Thousand) each with one or two solvent sureties of like amount by each of them.
- (iv) They shall furnish in-detail address with the Sessions Court so as to secure their presence in future.
- (v) Bail before the trial court.
- (vi) The criminal application is accordingly disposed of.

[ **SHRIKANT D. KULKARNI, J. ]**

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