

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 CRIMINAL APPLICATION NO.2355 OF 2022
IN
CRIMINAL APPEAL NO.533 OF 2022

MANGESH GAUTAM SHELKE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Appellants : Mr. Kadam Vithal P.
APP for Respondent : Mr. P G Borade

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CORAM : SHRIKANT D. KULKARNI, J.
Dated : July 28, 2022

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PER COURT :-

1. It is an application for suspension of the sentence and bail moved by the appellants.
2. Heard Mr.V P Kadam, learned counsel for the applicants and Mr. Borade, learned APP for the respondent State.
3. Mr. V P Kadam, learned counsel for the applicants submits that, the applicants/appellants were on bail during the trial and they have deposited the entire fine amount with the trial court. They need to be enlarged on bail.
4. On the other hand, learned APP for the State opposed to allow this application for suspension of sentence and bail.

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He submits that, the applicants alleged to have committed the offences in respect of public property and riot and, therefore, they are not entitled to get bail.

5. Having regard to the submissions of both sides and looking to the fact that the applicants/accused were on bail during the trial and they have deposited the fine amount with the trial court, it would be just and proper to allow this application. Hence, the following order.

ORDER

- i. The application is hereby allowed.
- ii. The impugned order of substantive sentence passed against the appellants in Sessions Case No.243 of 2019 by the Additional Sessions Judge-1, Nanded is hereby suspended till final disposal of the appeal.
- iii. The appellants be released on bail on their furnishing P.R. Bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand), each with one solvent surety of the like amount by each of them.
- iv. Bail before the trial court.
- v. Application is accordingly disposed off.

(SHRIKANT D. KULKARNI, J.)

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