

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.108 OF 2022
IN
CRIMINAL APPEAL NO.26 OF 2022**

1. Javed Babaso Patait]
2. Sikandar alias Pandya Babaso Patait] Applicants

Vs.

The State of Maharashtra] Respondent

.....
Mr. Piyush Toshnival, for Applicants.

Ms. Sultana Sonwane, A.P.P, for Respondent-State.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

**DATE : 14th JANUARY, 2022
(Through Video Conferencing)**

P.C.

1. This is an application under section 389 of the Code of Criminal Procedure.

2. The learned Additional Sessions Judge, Islampur had convicted and sentenced the applicants of the offences punishable under sections 324 and 506 r/w 34 of the Indian Penal Code. They have been sentenced to undergo rigorous imprisonment for two years with fine of Rs.1,000/-, in default to suffer simple

imprisonment for six months of the offence punishable under section 324 r/w 34 of the I.P.C. They have been sentenced to undergo rigorous imprisonment for one year with fine of Rs.500/-, in default, to suffer simple imprisonment for one month of the offence punishable under section 506 r/w 34 of the I.P.C.

3. After pronouncement of the judgment, the learned Additional Sessions Judge had suspended the substantive sentence to facilitate the applicants to approach this Court to prefer an appeal, *inter alia*, directing them to furnish PR & S.B in the amount of Rs.15,000/- each.

4. I heard Mr. Toshniwal, learned Counsel for the applicants and Ms. Sonawane, learned A.P.P for the respondent-State.

5. Since, the learned Additional Sessions Judge has already suspended the substantive sentence, the learned A.P.P has no serious objection.

6. As such, the substantive sentence awarded by the learned Additional Sessions Judge stands suspended, pending the appeal, upon the applicants furnishing a fresh PR bond in the sum of Rs.15,000/- each with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions Judge.

7. The applicants shall not leave the jurisdiction of this Court without seeking prior permission.

8. The applicants shall attend this Court as and when directed.

9. The applicants shall not make any attempt either directly or indirectly to coerce, induce or contact the victim or the witnesses.
10. Breach of any of the conditions would entitle the prosecution to seek cancellation of bail.
11. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]