

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.537 OF 2022
IN
CRIMINAL APPEAL NO.150 OF 2022

Firoz Ilai Jamadar and others

Applicants

versus

The State of Maharashtra

Respondent

Mr.Paras D. Yadav, Advocate for applicants.

Mr.S.H.Yadav, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th February 2022

PC :

1. This is an application for suspension of sentence and grant of bail pending Criminal Appeal No.150 of 2022. The applicant no.1 is convicted for the offence under Sections 324 and 325 of IPC and sentenced to suffer imprisonment for one year on each count. The appellant nos.2 and 3 were convicted for the offence u/s.324 of IPC and sentenced to suffer imprisonment for one year.

2. The appellants were on bail during trial. On the date of conviction the sentence of imprisonment has been suspended by the Trial Court as per Section 389(3) of Cr.PC till they file appeal in the High Court.

3. Considering the fact that appellants were on bail during trial, the sentence of imprisonment is of short term and the sentence has been suspended by the Trial Court on the date of conviction, this application can be allowed.

ORDER

- (i) Interim Application No.537 of 2022 is allowed and disposed of;
- (ii) During pendency of Criminal Appeal No.150 of 2022, the sentence of imprisonment imposed vide judgment and order dated 11th January 2022 by learned Additional Sessions Judge and District Judge-5, Kolhapur in Sessions Case No.115 of 2010 is suspended, and the applicants are directed to be released on bail on their executing PR bond in the sum of Rs.15,000/- each with one or more sureties in the like amount;
- (iii) The applicants are permitted to furnish cash bail in the sum of Rs.15,000/- each for a period of ten weeks in lieu of sureties;
- (iv) The applicants shall attend Trial Court once in six months on First Saturday of the month till disposal of the Criminal Appeal;
- (v) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;
- (vi) In the event of default committed by the applicant in attending the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)

MST