

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

**INTERIM APPLICATION NO.1401 OF 2022
IN
CRIMINAL APPEAL NO.458 OF 2022**

1)	Nagesh Prakash Ingale;	]	
2)	Jay David Gudshellu;	]	
3)	Anil Narayan Ghatkamble; and	]	
4)	Vicky Kumar Gaikwad	]	.. Applicants/Appellants
<i>Versus</i>			
	State of Maharashtra and Anr.	]	.. Respondents

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Mr.Ujwal Agandsurve, Advocate for the Applicants/Appellants.
Mr.A.R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : MAY 02, 2022.

P.C. :

This is an application for suspension of sentence and grant of bail during pendency of Appeal challenging the judgment of conviction. Applicants were convicted *vide* judgment and order dated 11th March, 2022, by Additional Sessions Judge, Solapur, for the offence punishable under Section 324 read with 34 of IPC, and, sentenced to suffer rigorous imprisonment for two years each and fine of Rs.1,000/-, each. They were also convicted for the offence punishable under Section 323 of IPC, and, sentenced to suffer imprisonment for six months each and to pay fine of Rs.500/-, each.

2 The fine amount has been deposited before the trial Court. The applicant/appellants were on bail during the trial. The sentence of imprisonment has been suspended by the trial Court in accordance with Section 389 of Cr.P.C., till the Appeal period is over.

3 Considering the aforesaid circumstances, more particularly, the fact that the sentence is of short term, this application may be allowed.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application No.1401 of 2022, is allowed;
- (ii) The sentence of imprisonment imposed by the Additional Sessions Judge, Solapur, *vide* Judgment and order dated 11th March, 2022, in Sessions Case No.64 of 2013, is suspended and the applicants are directed to be released on bail on executing P.R. Bond in the sum of Rs.20,000/-, each, with one or more sureties in the like amount;
- (iii) Applicants/appellants are permitted to furnish cash bail security of Rs.20,000/-, each, for a period of eight weeks, in lieu of surety;

- (iv) Applicants/appellants shall attend the trial Court once in six months on first Saturday of the month, till disposal of Appeal;
- (v) In the event of two consecutive defaults in attending the trial Court, the said fact may be brought to the notice of this Court, and, in such eventuality, the prosecution is at liberty to move an application for cancellation of bail;
- (vi) Interim Application No.1401 of 2022, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)