

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1834 OF 2022****IN****CRIMINAL APPEAL NO. 613 OF 2022**

Umesh Balaso Mahind And Ors.

... Applicants

V/s.

The State of Maharashtra

... Respondent

Mr. Mahindra Deshmukh for Applicants.

Mr. S. S. Hulke for Respondent-State

CORAM : A.S. GADKARI, J.**DATE : 22nd June 2022.****PC. :**

This is an Application for suspension of sentence and releasing the Applicants-Original Accused Nos.1 to 3 on bail.

2. Applicants-Original Accused Nos.1 to 3 are convicted under Section 506 read with Section 34 of the Indian Penal Code (for short, "IPC") and are sentenced to suffer simple imprisonment for two months and to pay fine of Rs.500/- each, by the learned Additional Sessions Judge, Sangli in Sessions Case No.171 of 2019, by its Judgment and Order dated 6th May 2022.

3. Mr. Deshmukh, learned Advocate for Applicants submitted that, the Applicants-Original Accused Nos.1 to 3 have already deposited the entire fine amount in the Registry of the Trial Court. He submitted that, during the pendency of the trial the Applicants were released on bail and there is no report of breach of any of the bail conditions imposed upon them.

4. The maximum sentence imposed upon the Applicants is of two months of simple imprisonment. The possibility of hearing the present Appeal on its own merits in near future is remote. As noted earlier, the Applicants-Original Accused Nos.1 to 3 were on bail during the trial and there is no report of breach of any of the bail conditions imposed upon them. In view thereof, during the pendency of the present Appeal, the substantive sentence imposed upon the Applicants-Original Accused Nos.1 to 3, can be suspended and they can be released on bail.

6. Hence, the following Order :-

- (i) Applicants be released on bail in Sessions Case No.171 of 2019, arising out of C.R. No. 41 of 2016 registered with Chinchani-Vangi Police Station, Dist. Sangli on their furnishing P.R. bond of Rs.10,000/- each with one or two separate local sureties in the like amount.
- (ii) Applicants are directed to remain present before this Court if required, and as may be directed at the time of hearing of the Appeal.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]