

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

**INTERIM APPLICATION NO. 345 OF 2022
IN
CRIMINAL APPEAL NO.79 OF 2022**

1. Sadanand Sakharam Tharwal
2. Tatyasaheb Jagannath Mane ...Applicants/
3. Sharad Sakharam Gambhirrao Appellants

Versus

State of Maharashtra ...Respondent

....

Ms. Pravada Raut, Advocate for the Applicants/Appellants.

Mr. Ajay Patil, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 9th FEBRUARY, 2022.

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal No.79 of 2022. The applicants are convicted for the offences under Section 353 r/w Section 34 of IPC and Section 332 r/w Section 34 of IPC and sentenced to suffer imprisonment of two years on each count with fine of Rs.50,000/- for each offences.

2. Learned counsel for the applicant submitted that the fine amount of Rs.50,000/- on each count has been deposited by the applicants before the trial Court. The

applicants were on bail during the trial. On the date of conviction the trial Court has suspended the sentence till the period is over.

3. Considering the fact that the sentence of imprisonment is for a period of two years which has been suspended on the date of conviction by the trial Court, application for suspension of sentence can be suspended.

4. Hence, I pass the following order:

ORDER

- i. Interim Application No. 345 of 2022 is allowed;
- ii. During the pendency of Criminal Appeal No .79 of 2022, the sentence of imprisonment imposed vide Judgment and order dated 10th December, 2021 passed by learned Additional Sessions Judge, Kalyan in Sessions Case No.458 of 2019 is suspended and the applicants are directed to be released on bail on executing P.R. 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/- for a period of eight weeks in lieu of surety;

- iv. The applicants shall attend the trial Court once in six months on first Saturday of the month till the final disposal of the appeal;
- v. In the event, there are two consecutive default in attending the trial Court, the said fact may be brought to the notice of this Court and in such eventuality, the prosecution will be at liberty to prefer an application for cancellation of bail;
- vi. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)