

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

INTERIM APPLICATION NO.417 OF 2022
IN
CRIMINAL APPEAL NO. 101 OF 2022

Sudhir D. Cherkar & Others .. Applicants.
v/s.
The State of Maharashtra .. Respondent.

Mr. Shantanu Kadam i/b. Mr. Gaurav M. Parkar, for the Applicants.
Mr. S. H. Yadav, APP for the Respondent-State.

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CORAM: PRAKASH D. NAIK, J.
DATED : 25th FEBRUARY, 2022.

PER COURT:

This is an application for suspension of sentence and grant of bail pending Criminal Appeal No.101 of 2022.

2 Applicants are convicted vide judgment and order dated 6th January, 2022 passed by Adhoc Addl. Sessions Judge, Raigad-Alibag for the offence punishable under Sections 332, 353 of the Indian Penal Code. Applicant No.1 is also convicted for the offences under Sections 504 and 506 of the Indian Penal Code and sentenced to suffer imprisonment of one year and six months respectively.

3 Learned Advocate for the Applicants submit that Applicants are falsely implicated in this case. Sentence was suspended. Applicants were on bail during the trial. On the date of conviction, sentence is suspended and bail has been granted by the Trial Court. There is no evidence to establish that Complainant was on official duty on the date of

incident. Sentence is of short term. There was no misuse of liberty granted during pendency of trial.

4 Sentence is of short term. Defence has urged that there are several discrepancies in the evidence. Applicants were on bail during the trial. Sentence has been suspended after the judgment of conviction imposed vide order dated 6th January, 2022. In the light of the aforesaid circumstances, sentence can be suspended.

5 Hence, the following order:-

ORDER

- (i) Interim Application No. 417 of 2022 is allowed;
- (ii) During the pendency of Criminal Appeal No.101 of 2022, the sentence of imprisonment imposed vide Judgment and order dated 6th January, 2022 passed by Adhoc Addl. Sessions Judge, Raigad-Alibag is suspended and the Applicants are directed to be released on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount;
- (iii) Applicants are permitted to furnish cash bail in the sum of Rs.15,000/- for a period of ten weeks in lieu of surety;
- (iv) 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.)