

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

**INTERIM APPLICATION NO. 563 OF 2022
IN
CRIMINAL APPEAL NO. 161 OF 2022**

Ashok Banderao Patil & Ors. ...Applicants/Appellants
Versus
State Of Maharashtra ...Respondent

....

Shri. Hrishikesh Mundargi i/b Mr. Jayant Bardeskar a/w Mr.
Varun Thokal, Advocate for the Applicants/Appellants.
Mr. S.H.Yadav, APP for the Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 22nd FEBRUARY, 2022.**

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal No. 161 of 2022. The applicants are convicted for offence punishable under Section 452 r/w Section 34 of Indian Penal Code (for short “IPC”) and sentenced to suffer rigorous imprisonment for three years by each of them to pay fine of Rs.2,000/-. They are also convicted for offences under Sections 324 and 323 r/w Section 34 of IPC and sentenced to undergo rigorous imprisonment for two years and six months each respectively. All of them were acquitted for offences under Sections 395, 326 & 504 r/w Section 34 of IPC.

2. The applicants were on bail during the trial. On the date of conviction, the sentence of imprisonment imposed by the trial Court has been suspended in accordance with Section 389 (3) of Cr.P.C. to enable the accused to prefer appeal before the High Court and obtain necessary order.

3. The dispute is relating to the property. Cross cases were registered against each other. The complaint registered from the applicants' side has resulted in acquittal. It is submitted that the Appellant No.4 has preferred an appeal challenging the order of acquittal by invoking Section 378 of Cr.P.C.

4. Learned APP submitted that the accused were convicted for the aforesaid offences. There is sufficient evidence against the applicants.

5. Considering the factual aspects as stated above and also in the light of the fact that the sentence of imprisonment is of short term. The relief as prayed in this application can be granted.

6. Hence, I pass the following order:

ORDER

- i. Interim Application No. 563 of 2022 is allowed;

ii. During the pendency of Criminal Appeal No.161 of 2022, the sentence of imprisonment imposed vide Judgment and order dated 29th January, 2022 passed by learned Additional Sessions Judge, Kolhapur in Sessions Case No.115 of 2012 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/- each for a period of ten 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.)