

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

**INTERIM APPLICATION NO. 726 OF 2021
IN
CRIMINAL APPEAL NO.186 OF 2021**

Kundlik Krishna Chougale & Ors.

...Applicants/
Appellants

Versus

State of Maharashtra

...Respondent

Mr. Anand S. Patil, Advocate for the Applicants/Appellants.

Mr. Arfan Sait, APP for the Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 11th JANUARY, 2022**

PER COURT:

1. This an application for suspension of sentence and grant of bail pending Criminal Appeal No. 186 2021. The applicants were convicted vide judgment and order dated 2nd March, 2020 passed by the learned Additional Sessions Judge, Kolhapur in Sessions Case No. 94 of 2016 for offence under Section 307 of Indian Penal Code (for short “IPC”) r/w Section 149 of IPC and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.3,000/- each. The applicants are also convicted for offences under Section 341 r/w Section 149 of IPC and Section 143, 147 of IPC. They were acquitted for offence under Section 148 of IPC

and Section 135 of Maharashtra Police Act.

2. Learned Advocate for the applicant submitted that the applicants were on bail during the trial. After conviction, the sentence of imprisonment awarded by the trial Court was suspended to enable them to prefer appeal. PW-1 had filed an affidavit before the trial Court stating that the applicant Nos. 4, 5 & 7 were implicated out of anger. According to prosecution there are three injured persons in this case. PW-1 had not sustained any injury and he was discharged from the hospital immediately. PW-2 and PW-4 were hospitalized and subsequently discharged. The role of using knife was attributed to applicant No.1 The applicants are not having any criminal antecedents.

3. Learned APP submitted that applicants are convicted. One of the injured was admitted to hospital on account of injuries for 20 days.

4. It is pertinent to note that the sentence awarded by the trial Court is of short term. The applicants were on bail during the trial. Even after conviction, the trial Court suspended the sentence of imprisonment. There are no criminal antecedents against applicants. The appeal may not come up for hearing within short span of time. Applicants

have urged several grounds challenging conviction. Hence, sentence of imprisonment can be suspended during the pendency of appeal preferred by the applicants.

5. Hence, I pass the following order:

ORDER

- i. Interim Application No. 726 of 2021 is allowed;
- ii. During the pendency of Criminal Appeal No. 186 of 2021, Sentence of imprisonment imposed by the Court of Sessions, Kolhapur vide judgment and order dated 2nd March, 2020 passed by the learned Additional Sessions Judge, Kolhapur in Sessions Case No. 94 of 2016 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. To enable the applicants to execute surety bonds in view of this order, the order dated 2nd March, 2020 passed by the Additional Sessions Judge, Kolhapur, suspending the substantive sentence is continued for a period of eight weeks.
- iv. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)