

of prosecution that injured was sent for medical examination, the medical evidence is not on record. Independent persons were not examined.

4. Learned APP submit that there is evidence of injured witness. PW-2 and PW-3 are eye witnesses to the incident.

5. The applicants are in custody from the date of conviction i.e. 11th February 2022. They were on bail during trial. The overt act attributed to the applicants is that they had assaulted PW-1 who is policeman by fist blows. Evidence of PW-1 mentions that he was medically examined after the incident of assault. It appears that medical evidence is not on record. Considering the fact that sentence is of short term and applicants were on bail during trial, sentence can be suspended. Hence, I pass following order :

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) The sentence of imprisonment imposed vide judgment and order dated 11th February 2022 passed by Additional Sessions Judge, Kalyan in Sessions Case No.168 of 2020 is suspended and applicants are directed to be released on bail on executing PR bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- (iii) The applicants are permitted to furnish cash bail in the sum of Rs.20,000/- each for a period of ten weeks in lieu of sureties;
- (iv) The applicant shall attend Trial Court once in six months on First Saturday of the month till final disposal of the Criminal Appeal;
- (v) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;
- (vi) In the event of default committed by the applicant in attending

the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)

MST