

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1429 OF 2022
IN
CRIMINAL APPEAL NO.471 OF 2022

Ramesh Limbaji Dafal and others
versus
The State of Maharashtra

Applicants
Respondent

Mr.Vinod J. Zende, Advocate for applicants
Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 4th May 2022

PC :

1. This is an application for suspension of sentence and grant of bail during pendency of Criminal Appeal No.471 of 2022 preferred by applicants challenging judgment of conviction dated 26th March 2022. The applicants are convicted for the offence u/s.353 r/w 149 and sentenced to suffer imprisonment for 1 year each and pay fine of Rs.1,000/- each. They are further convicted for offence u/s.332 r/w 149 of IPC and sentenced to suffer imprisonment for 1 year and pay fine of Rs.1,000/- each. They are further convicted for the offence u/s.504 r/w 149 of IPC and sentenced to suffer imprisonment for 6 months and pay fine of Rs.500/- each. They are convicted for the offence u/s.37(1) R/W 135 OF Maharashtra Police Act and sentenced to suffer rigorous imprisonment for 4 months and pay fine of Rs.500/-. The applicants are acquitted for offence u/s.506 and for offence u/s. 85(1) of Maharashtra Prohibition Act, 1958.

2. The applicants were on bail during trial. The sentence was suspended in accordance with Section 389 of Cr.PC by the Trial Court

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till the appeal period is over at the time of conviction.

3. Considering the fact that sentence is of short term, in the facts of the case, relief prayed in this application can be granted.

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) The sentence of imprisonment imposed vide judgment and order dated 26th March 2022 by learned Adhoc Additional Sessions Judge, Raigad-Alibag in Sessions Case No.87 of 2019 is suspended and applicants are directed to be released on bail on their executing PR 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 sureties;
- (iv) The applicants shall attend Trial Court once in six months on first Saturday of the month till disposal of the Criminal Appeal;
- (v) In the event there are two consecutive defaults in attending the Trial Court by applicants, the Trial Court shall submit report to this Court;
- (vi) In the event of default committed by the applicants in attending the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)

MST