

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1600 OF 2022****IN****CRIMINAL APPEAL NO. 537 OF 2022**

Sandip Ramchandra Mhatre And Anr.

... Applicant-Original
Accused No.1 & 3

V/s.

The State of Maharashtra

... Respondent

Mr. Rahul Arote for Applicant-Original Accused No.1 & 3.

Ms. S. S. Kaushik, APP for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 9th June 2022.

PC. :

This is an Application for suspension of sentence and releasing the Applicants-Original Accused Nos.1 & 3 on bail.

2. Applicants-Original Accused Nos.1 & 3 are convicted under Section 323 read with Section 34 of the Indian Penal Code (for short, "IPC") and are sentenced to suffer maximum simple imprisonment of two months and to pay fine of Rs.500/- each, by the learned Additional Sessions Judge, Thane in Sessions Case No.580 of 2014, by its Judgment and Order dated 29th April 2022.

3. Mr. Arote, learned Advocate for Applicant-Original Accused Nos.1 & 3 submitted that, the Applicants-Original Accused Nos.1 & 3 have already deposited entire fine amount in the Registry of the Trial Court. He submitted that, during the pendency of the trial the Applicants-Original Accused Nos.1 & 3 were released on bail and there is no report of breach of any of the bail conditions imposed upon them.

4. The maximum sentence imposed upon the Applicants-Original Accused Nos.1 & 3 is of two months of simple imprisonment. The possibility of hearing the present Appeal on its own merits in near future is remote. As noted earlier, the Applicants-Original Accused Nos.1 & 3 were on bail during the trial and there is no report of breach of any of the bail conditions, imposed upon them.

5. In view thereof, during the pendency of the Appeal, the substantive sentence imposed upon the Applicants-Original Accused Nos.1 & 3 can be suspended and they can be released on bail.

6. Hence, the following Order :-

- (i) Applicants-Original Accused Nos.1 & 3 be released on bail in Sessions Case No.580 of 2014, arising out of C.R. No. 182 of 2009 registered with Kalwa Police Station, on thier furnishing PR. bond of Rs.10,000/-

each with one or two separate local sureties in the same amount.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]