

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

CRIMINAL INTERIM APPLICATION NO. 2249 OF 2022

Dinesh Gangaram Tambe And Ors. ...Applicants
Versus
The State Of Maharashtra ...Respondent

....

Ms. Sneha Govind Sanap a/w Mr. Prashant Raul & Mr. Mayur Govind
Sanap i/by Mr. Aditya Targe, Advocate for the Applicant.
Mr. Arfan Sait, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 15th JULY, 2022.

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Revision Application No.283 of 2022, challenging the Judgment and order dated 22nd March, 2012, passed by the learned J.M.F.C. Mangaon convicting the applicants for offences under Sections 452, 325, 323, 506 and 427 r/w 34 of Indian Penal Code as well as the Judgment and order passed by the learned Additional Sessions Judge, Mangaon, Dist. Raigad on 2nd July, 2022 dismissing the appeal.

2. Learned Advocate for the applicant submitted that the applicants are taken in custody on 2nd July, 2022. The applicants were on bail during the trial. They have not misused the facility of bail. The sentence is of short term. The maximum sentence is

imposed by the Court while convicting the applicants for a period of one year. There are contradictions in the evidence of the witnesses.

3. Learned APP submitted that there are two concurrent findings of the Courts below convicting the appellants.

4. Considering these submissions learned counsel for the applicants the sentence of imprisonment can be suspended. The applicants are in custody from 2nd July, 2022, hence bail can be granted.

ORDER

- i. Interim Application No.2249 of 2022 is allowed.
- ii. The sentence of imprisonment imposed vide Judgment and order dated 22nd March, 2012 in the case of R.C.C. No.75 of 2009 and confirmed by the Sessions Court vide Judgment and order dated 2nd July, 2022 passed in Criminal Appeal No.17 of 2012 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;
- ii. The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- each for a period of eight weeks in lieu of surety.

iii. The applicants shall report trial Court once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till final disposal of the revision application.

(PRAKASH D. NAIK, J.)