

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

***CRIMINAL INTERIM APPLICATION NO. 2855 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 230 OF 2021***

1. Shalan Shivaji Patil
 2. Jaysing Bhimrao Kadam
 - 3 Ramrao @ Ramchandra Bhimrao Kadam
 4. Baburao Bhimarao Kadam
- ...Applicants
- Versus
1. The State of Maharashtra
 2. Ashrani Baburao Kadam
- ...Respondents

Mr. Irshad M. Malik for the Applicants

Ms. Veera Shinde, A.P.P for the Respondent No.1–State

CORAM : REVATI MOHITE DERE, J.
(THROUGH VIDEO-CONFERENCING)
THURSDAY, 6th JANUARY 2022

P.C. :

- 1 Heard learned counsel for the parties.
- 2 By this application, the applicant No.4-Baburao Bhimarao Kadam, seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid revision application.

3 The applicants, vide judgment and order dated 1st July 2009 passed by the learned Judicial Magistrate First Class, Tasgaon in RCC No. 122/2000, were convicted for the offences punishable under Section 498-A, 323 and 504 r/w 34 of the Indian Penal Code.

4 As far as applicant Nos. 1 to 3 are concerned, they were directed to be released on a bond of Rs. 15000/- each, to maintain good behaviour for a period of three years from the date of the order and on commission of any breach of the bond of good behaviour, they were directed to appear and serve the sentence for the offence as provided by law.

5 As far as applicant No. 4-Baburao Bhimarao Kadam is concerned, he was sentenced to suffer RI for three years and to pay a fine of Rs. 5000/-, in default, to suffer RI for 6 months.

6 Applicant Nos. 1 to 3 were directed to pay compensation of Rs. 25,000/- each, to the informant-Ashrani Baburao Kadam, in default, to suffer RI for 6 months.

7 Against the said judgment and order of conviction, the applicants filed an appeal before the learned Sessions Judge, Sangli. The learned Sessions Judge, by judgment and order dated 11th July 2019 dismissed the appeal and confirmed the conviction and sentence awarded by the trial Court.

8 Learned counsel for the applicants submits that as far as applicant Nos. 1 to 3 are concerned, they have already deposited the compensation of Rs.25000/- each, as directed by the learned Judicial Magistrate First Class. He submits that as far as applicant No.4 is concerned, he is presently in custody. He submits that the applicant No. 4 was on bail throughout the trial as well as during pendency of his appeal and that he has not misused or abused the conditions of bail. The revision application has been admitted by a separate order passed today. The sentence imposed is a short-term sentence and the revision application is not likely to be heard in near future.

9 Considering the aforesaid, the application is allowed and the sentence of the applicant No.4- Baburao Bhimarao Kadam is suspended and he is enlarged on bail, pending the hearing and final disposal of his revision application, on the following terms and conditions :

ORDER

(i) The applicant be released on cash bail in the sum of Rs.15,000/-, for a period of six weeks;

(ii) The applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(iii) The applicant shall report to the trial Court, once in six months on the day/date specified by the Court, till his appeal is finally disposed of;

(iv) The applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

10 The Interim Application No. 2855/2021 is disposed of in the aforesaid terms.

11 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.