

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

**CRIMINAL INTERIM APPLICATION NO.2 OF 2022
(FOR GRANT OF BAIL)**

IN

CRIMINAL REVISION APPLICATION NO. 2 OF 2022

1. Madhukar Narayan Gaikwad
2. Bramhadeo Abaji Gaikwad
3. Sunil Hari Gaikwad
4. Balu Rajaram Gaikwad
5. Maruti Narayan Gaikwad
6. Madhav Gajendra Salunkhe
7. Pandurang Narayan Gaikwad
8. Bandu Hari Gaikwad
9. Sadashiv Narayan Gaikwad
10. Hanumant Narayan Gaikwad
11. Pailwan Navnath Gaikwad
12. Ganpat Pandurang Gaikwad
13. Vaijnath Navnath Gaikwad
14. Raosaheb Bramhadeo Gaikwad
15. Mahadeo Gajendra Salunkhe

...Applicants

Versus

State of Maharashtra and Anr.

...Respondents

Mr. Sanjeev Kadam i/b Mr. Purushottam G. Chavan, for the Applicants.

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

Mr. Ashok B. Tajane, for the Respondent No.2.

CORAM : REVATI MOHITE DERE, J.

DATE : 12th JANUARY 2022

(THROUGH VIDEO CONFERENCING)

P.C. :

1. Learned Counsel for the applicants seeks leave to amend to implead the complainant, as party respondent No.2. Leave granted. Amendment to be carried out during the course of the day.
2. Heard learned counsel for the parties.
3. By this application, the applicants seek suspension of their sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid Revision Application.
4. The applicants vide Judgment and Order dated 24th April 2013, passed by learned Judicial Magistrate First Class (4th), Pandharpur, in R.C.C. No.74 of 1999 have been convicted for the offences punishable under Section 342 r/w 149 of the Indian Penal Code; Section 387 r/w 149 of the Indian Penal Code; Section 427 r/w 149 of the Indian Penal Code; Section 323 r/w 149 of the Indian Penal Code; Section 504 r/w 149 of the Indian Penal Code and Section 506 r/w 149 of the Indian Penal Code.

The maximum sentence imposed is for the offence punishable under Section 387 r/w 149 of the Indian Penal Code i.e. rigorous imprisonment for three years with fine. Being aggrieved by the said Judgment and Order of conviction and sentence, the applicants preferred an appeal before the Sessions Court. The learned Extra Joint Additional Sessions Judge, Pandharpur, vide Judgment and Order dated 16th December 2021 dismissed the applicants appeal i.e. Criminal Appeal No.24 of 2013 and Criminal Appeal No.46 of 2016. It is informed that the appeal filed by the State was also dismissed.

5. It is not in dispute that the applicants were on bail pending trial as well as during the pendency of their appeals and have not misused or abused the liberty granted to them. The Revision Application has been admitted by a separate order passed today and the same is not likely to come up for the hearing in the immediate near future. The sentence awarded is a short term sentence.

6. Considering the aforesaid, the application is allowed and the applicants sentence is suspended and they are enlarged on bail, pending the

hearing and final disposal of the aforesaid Revision, on the following terms and conditions :

ORDER

- i) The Applicants be released on cash bail in the sum of Rs.10,000/- each, for a period of six weeks;
- ii) The Applicants shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount;
- iii) The Applicants shall report to the trial Court, once in six months on the day/date specified by the trial Court, till their Revision Application is finally disposed of;
- iv) The Applicants shall keep the trial Court informed of current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

v) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.