

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**CRIMINAL APPEAL NO. 37 OF 2022**

(Raja S/o Madho Hatole and others ...Versus...State of Maharashtra, Through the P.S.O., P.S. Gondia  
City, Gondia, Tah. & Distt. Gondia)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders

Court's or Judge's orders

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Shri A.H. Lohiya, Advocate for appellants/applicants  
Shri S.D. Sirpurkar, A.P.P. for respondent/State

**CORAM : SURENDRA P TAVADE, J.**

**DATE : 21/01/2022**

Heard.

2. **Admit.**

3. Issue notice to respondent.

4. Call record and proceedings in Sessions case No.  
66/2015.

**CRIMINAL APPLICATION (APPA) NO. 58 OF 2022**

The applicants were tried for the offence punishable under Section 307 of the Indian Penal Code but they are held guilty for the offence punishable under Section 326 of the Indian Penal Code and sentenced to suffer R.I. for three years each and to pay a fine of Rs. 1000/- each. In default of payment of fine they are directed to undergo R.I. for three months. It is contended that the applicants were released on bail during the pendency of trial. Even after the conviction they have been released by the trial Court. It is contended that the applicants will attend the hearing of the appeal regularly. It is contended that the appeal may not be heard within

short time, therefore applicants prays for suspension of sentence and bail.

2. Heard learned Counsel for the applicants and learned A.P.P. for State.

3. Perused the judgment.

4. It appears that the applicants are held guilty for the offence punishable under Section 326 read with 34 of the Indian Penal code. The applicants were released on bail during the pendency of trial. There are no allegations against the applicants that they had misused their liberty during pendency of trial, even when they are released on bail after the conviction. The appeal may not be taken up for hearing within short period. Hence, I pass the following order :

(i) Application is allowed.

(ii) The order of sentence passed against the applicants is hereby suspended till the disposal of this appeal.

(iii) Applicants are ordered to be released on bail on their executing PR. bond of Rs. 15,000/- each with one surety in the like amount.

(iv) They are directed to attend hearing of this appeal regularly.

**(SURENDRA P. TAVADE, J.)**