

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

CRIMINAL APPEAL NO. 314 OF 2022

(Ganesh Shriramji Olambe & anr. Vs. State of Mah. & anr.)

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

Court's or Judge's Order

Shri S.S. Bhende, Advocate for the appellants/applicants.
Mrs. Mrunal Barabde, APP for the respondent No.1/State.

CORAM : AMIT BORKAR, J.

DATED : MAY 13, 2022.

Heard.

2. **ADMIT.**

3. Learned APP waives notice for
respondent No.1/State.

CRIMINAL APPLICATION NO.381 OF 2022

Heard.

2. By this application under Section 389 of the Criminal Procedure Code, 1973, the applicants are seeking suspension of sentence imposed under Sections 353, 186, 504 of the Indian Penal Code for a period of six months, three months and six months respectively.

3. I have heard learned Advocate for the applicants and learned Additional Public Prosecutor for the State.

4. Learned Advocate for the applicants submitted that the learned trial Court by invoking power under Section 389 of Code of Criminal Procedure has

suspended the sentence imposed upon the applicants till the filing of the appeal.

5. He has invited my attention to page No.68 which hold that the learned trial Court has suspended the sentence till the filing of the appeal.

6. Considering the fact that the maximum sentence imposed by the impugned judgment is of six months and it is unlikely that the appeal would be heard in near future, the applicants has made out a case for his release on bail. Hence, I pass the following order :

- a) The application is allowed.
 - b) The substantive sentence of imprisonment imposed on the applicants is suspended and they are directed to be released on bail on executing Personal Bond of Rs.15,000/- (Rs. Fifteen thousand only) each and furnishing surety in the like amount.
 - c) The applicants shall attend the concerned police station on first Monday of each month till the disposal of the appeal.
7. The application stands disposed of.

(AMIT BORKAR, J.)

**Divya*

Signed By:DIVYA SONU BALDWA

Signing Date:13.05.2022 15:11