

**INTERIM APPLICATION NO.2265 OF 2023
IN
CRIMINAL APPEAL NO.711 OF 2023**

DATE : 27 OCTOBER 2023

2 Applicants are convicted by the Additional Sessions Judge, at Solapur in Sessions Case No.384 of 2022 under Section 235 (2) of of the Code of Criminal Procedure, 1973 for the offence punishable under Section 304 (2) r/w 34 of the Indian Penal Code, 1860 and

sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.1,000/- each.

3 Heard learned Counsel for the Applicants, learned APP for Respondent No.1-State and Ms. Leena Patil for Respondent No.2.

4 Perused the record. Admittedly, the sentence is a short term sentence and the appeal preferred by the Applicants/Appellants is not likely to be heard in near future. No exceptional circumstances are there on record to deny relief to the Applicants. In the light of decision of the Apex Court in the case of **Bhagwan Rama Shinde Gosai and Ors. Vs. State of Gujrat**¹, the Applicants deserve to be released on bail. Hence, the following Order :

- (i) Interim Application is allowed.
- (ii) Substantive sentence of imprisonment imposed vide judgment and order dated 8th June 2023 in Sessions Case No.384 of 2022 is suspended during the pendency of the Appeal.
- (iii) Applicant No.1 Anil Davanand Lad and Applicant No.2- Govardhan Devanand Lad be released on bail

¹(1999) SCC (Cri.) 553

on executing PR bond in the sum of Rs.15,000/- each with one surety in the like amount.

- (iv) Applicants shall attend the concerned Police Station twice in a month on every first and third Sunday between 10.00 to 12.00 noon., until further orders.
- (v) Applicants shall furnish their permanent address as well as present address to the trial Court along with copies of his Aadhar Card and Cell number/s.

(NITIN B. SURYAWANSHI, J.)