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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3227 OF 2023**

IN

CRIMINAL APPEAL NO.983 OF 2023

Ganesh Eknath Ghodke & Ors.] .. Applicants

vs.

State of Maharashtra] .. Respondent

Mr.Ranjit Jadhav a/w Sagar Bataria and Gaurav Pandey for the Applicants.

Mr.Y.M. Nakhwa, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 06th September, 2023.

P.C.

1] The Appellants tried as accused Nos.2, 3 and 4 stand convicted for committing offence punishable under Section 143, 147, 148 and 332 read with 149 of the IPC. Though they face the charge under Section 307 and 427 of the IPC, they are acquitted.

Upon conviction, they have been sentenced to undergo distinct sentences, the maximum sentence imposed is to undergo RI for 3 years.

All the sentences imposed are directed to run concurrently.

2] Heard the learned counsel for the Applicants, the learned APP for the State and perused the impugned Judgment passed by the Additional Sessions Judge, Nashik in Sessions Case No.109/2011 on

10.08.2023.

3] The evidence on record has prima facie failed to conclusively establish the participation of the Applicants in the alleged unlawful assembly and in any case since they were not assailants, they were acquitted of the offence under Section 307 of the IPC.

Considering the fixed sentence imposed upon the Applicants on being convicted and since the Appeal is admitted on the ground of discrepancy in the evidence and failure of the prosecution to conclusively establish the charges, since it is informed Applicants were on bail during the trial, I deem it appropriate to suspend the sentence and release them on bail.

ORDER

- a] Interim Application is allowed.
- b] The sentence imposed on conviction under the impugned Judgment stands suspended.
- c] The Applicants shall be released on bail on furnishing PR Bond to the extent of Rs.25,000/-, each with one or two sureties of the like amount.
- d] They shall furnish their address to the concerned Police Station and keep the Investigating Officer updated about any change in address.

[BHARATI DANGRE, J]