

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

**INTERIM APPLICATION NO.4075 OF 2023
IN
CRIMINAL APPEAL NO.1222 OF 2023**

1. Vidya Savalaram Kadam
age 38 years occ. Housewife.
R.o. Ridhika Niwas, Near
Bhujbal Nursery, Dhig Road, Bhosari
Pune.

2. Vicky Sawalaram Kadam
Age 23 years occ. Service
R/o. Ridhika Niwas, Near Bhujbal
Nursery, Dhig Raod, Bhosari, Pune

3. Savlaram Shankar Kadam
Age 42 years R/o. Ridhika Niwas,
Near Bhujbal Nursery, Dhig Road,
Bhosari, Pune

(languishing in Yerawada Central Prison) ... Applicants/Appellants

Versus

1. State of Maharashtra
(through the Bhosari Police Station,
Pune)

2. Suresh Dattatray Parhad
Age 39 years

3. Vitthal Dattatray Parhad
Age 40 years

Both (through Bhosari
Police Station Pune
in CR No.253 of 2012)

... Respondents

Mr. Satyavrat Joshi for the Applicants/Appellants.
Mr. A.R. Patil, APP for Respondent No.1-State.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 8 NOVEMBER 2023

P.C.

1. This is an application for suspension of sentence and grant of bail during the pendency of the Criminal Appeal preferred by the Applicants are challenging the judgment and order of their conviction.

2 Applicants are convicted by the Additional Sessions Judge, at Pune in Sessions Case No.01/2013 under Section 235 (2) of the Code of Criminal Procedure, 1973 for the offence punishable under Sections 307, 324, 504, r/w 34 of the Indian Penal Code 1860 and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.25,000/- 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. There are no criminal antecedents against the Applicants and they have not misused liberty, while on

bail during trial. Fine amount is already deposited by Applicants. 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 19th October 2023 in Sessions Case No.01/2013 is suspended during the pendency of the Appeal.
- (iii) Applicant No.1-Vidya Savalaram Kadam, Applicant No.2-Vicky Sawalaram Kadam and Applicant No.3-Savalaram Shankar Kadam be released on bail on executing PR bond in the sum of Rs.15,000/- each with one surety in the like amount.
- (iv) Applicant No.2-Vicky Sawalaram Kadam and Applicant No.3- Savalaram Shankar Kadam shall attend the concerned Police Station once in a month on every first Sunday between 10.00 to 12.00 noon., until further orders.

¹(1999) SCC (Cri.) 553

- (v) Applicant No.1-Vidya Savalaram Kadam, Applicant No.2-Vicky Sawalaram Kadam and Applicant No.3-Savalaram Shankar Kadam shall furnish their permanent address proof along with copies of their Aadhar Cards and Cell numbers in the concerned police station.

(NITIN B. SURYAWANSHI, J.)