

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1237 OF 2019****IN****CRIMINAL APPEAL NO. 373 OF 2022**

- |    |                            |   |                           |
|----|----------------------------|---|---------------------------|
| 1. | Annasaheb Baburao Mahale   | ] |                           |
| 2. | Pravin Annasaheb Mahale    | ] |                           |
| 3. | Shailabai Annasaheb Mahale | ] | ... Applicants/Appellants |

**V/s.**

- |    |                          |   |                 |
|----|--------------------------|---|-----------------|
| 1. | The State of Maharashtra | ] |                 |
| 2. | Archana Anil Mahale      | ] | ... Respondents |

Mr.K.H. Holambe Patil a/w. Mr.K.K. Holambe Patil & Mr.Vishal Shirsat for Applicants/Appellants.

Ms.A.S. Pai a/w. Ms.M.H. Mhatre, A.P.P for Appellant-State in Conf/05/2019 and for Respondent in Appeal/373/2022 and IA/1237/2019.

**CORAM : A. S. GADKARI AND  
SHYAM C. CHANDAK, JJ.**

**DATE : 3<sup>rd</sup> November 2023.**

**P.C. :**

1) This is an application for suspension of sentence and release of Applicants on bail, by the original Accused Nos.2, 3 & 4.

2) At the outset, learned Advocate for Applicants submitted that, the Applicant No.1/original Accused No.2 Annasaheb Mahale has been released from jail after undergoing entire sentence and therefore he does not press the present application qua the said Applicant.

3) The Applicants have been convicted under Section 201 of the Indian Penal Code in Sessions Case No. 209 of 2017 by the learned District Judge-4 and Additional Sessions Judge, Nashik by its Judgment and Order dated 15<sup>th</sup> May 2019 and have been directed to suffer 7 years of rigorous imprisonment and to pay a fine of Rs.1,000/- each.

4) Learned Advocate for Applicants submitted that, as of today the Applicants have undergone four and half years of actual imprisonment out of the total sentence of 7 years of rigorous imprisonment. That the Applicants have already deposited the said fine amount in the Registry of the Trial Court and necessary receipts have been issued accordingly.

5) As the Applicants have already undergone more than 2/3<sup>rd</sup> of the sentence and the possibility of hearing the present Appeal along with Confirmation Reference No. 05 of 2019 in near future is bleak, we are inclined to suspend the substantive sentence imposed upon the Applicants and release them on bail.

6) Hence, following order.

- (i) Applicant No.2 Pravin Annasaheb Mahale and Applicant No.3 Shailabai Annasaheb Mahale be released on bail in Sessions Case No. 209 of 2017 presided by the learned District Judge-4 and Additional Sessions Judge, Nashik, on their furnishing P.R. bond of Rs.20,000/- each, with one or two local sureties in the like amount.

- (ii) After their release from Jail, the Applicant Nos.2 & 3 shall not contact the witnesses and/or pressurize them.
  - (iii) Applicant Nos.2 & 3 shall submit their documents of residential proof with Vani Police Station, District Nashik, before their actual release from jail.
  - (iv) Applicant Nos.2 & 3 shall made themselves available at the time of final hearing of the Appeal.
- 7) Application is allowed in the aforesaid terms.
- 8) All the concerned to act on an authenticated copy of the present Order.

( SHYAM C. CHANDAK, J. )

( A.S. GADKARI, J. )

OMKAR  
SHIVAHAR  
KUMBHAKARN

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