

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...
CRIMINAL APPLICATION (APPA) NO. 411/2022
IN
CRIMINAL APPEAL NO: 349/2022

Manohar Wamanrao Bais and another . .. Appellants
versus
The State of Maharashtra and another .. Respondent/s

.....
Mr.Mahesh Rai, Advocate for the applicant /appellant
Mr. M J Khan, APP for Respondent No.1
Mr. D.U.Thakare, Adv. for Respondent No.2
.....

CORAM: ANIL L. PANSARE, J.
DATED : 29th March, 2023.

PC:

On 30.05.2022, the following order was passed :-

“ *Heard Mr Rai, learned counsel for the appellants.*

... An application under section 389 of the Cr.PC. for suspension of sentence and grant of bail has been filed by the appellants.

Issue notice on the application for suspension of sentence and grant of bail to the respondents returnable on 13.06.2022.

Learned APP waives notice for Respondent No.1.

By way of an ad-interim order, the sentence awarded by the learned Sessions Court is suspended till the returnable date and the appellants/applicants be released on bail on their furnishing PR bond in the sum of Rs. 25,000 each with two solvent sureties of like amount.

The application under section 389 of Cr.PC would be finally decided after hearing the Respondent No.2”

2. The Respondent No.2 though served and represented by Advocate D.U. Thakare, is absent. It appears that the respondent no.2 is not interested in opposing the application. There is thus no reason why the ad interim order granted to the applicants should not be confirmed. The ad-interim order is accordingly confirmed. The applicants shall remain present before this Court at the time of final hearing of the appeal. The Application is disposed of in above terms.

3. Registry to process the appeal for final hearing as per the Rules.

[ANIL L. PANSARE, J.]

LATER ON :

In the second session, Mr.Thakare, learned counsel for the Respondent No.2, is present. He has made an attempt to convince the Court to not suspend the sentence imposed upon the applicants, but could not point out any reason as to why the interim relief should not be confirmed. The order passed earlier is accordingly confirmed.

[ANIL L. PANSARE, J.]

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