



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 CRIMINAL APPLICATION NO. 616 OF 2024
IN APPEAL/130/2024

- 1] Dhiraj Thakaji Gawali
Age: 27 years, Occu.: Labour,
R/o. Diwanmala, Tal. and Dist.Dhule.
- 2] Sachin Thakaji Gawali
Age: 32 years, Occu.: Labour,
R/o. Diwanmala, Tal. and Dist.Dhule.
- 3] Rakesh Bhagwan Gawali
Age: 30 years, Occu.: Labour,
R/o. Diwanmala, Tal. And Dist.Dhule.
- 4] Ashok Mukaji Gawali
Age: 27 years, Occu.: Labour,
R/o. Diwanmala, Tal. And Dist.Dhule.

..Applicants
(Original Accused)

Versus

. The State of Maharashtra

..Respondent

...
Advocate for Applicants : Mr. Hrishikesh V. Tungar
APP for Respondent : Mr.N.D.Batule

...
CORAM : ABHAY S. WAGHWASE, J.

DATE : 06 MARCH, 2024

ORDER :-

1. This is an application for suspension of sentence and grant of bail on account of conviction of appellants recorded by learned Additional Sessions Judge, Dhule in Sessions Case

No.97 of 2016 dated 08-01-2024 for offence under Sections 325, 323 r/w 34 of the Indian Penal Code respectively and they are sentenced to suffer rigorous imprisonment for two years and six months respectively for each of the offence.

2. Learned Counsel for the applicants pointed out that applicants were on bail during the trial. They have preferred appeal and they have hope for succeeding in appeal so he prays for suspension of sentence and grant of bail.

3. Learned APP pointed out that there is injured eye witness account as well as direct eye witness account, however, he concedes that the applicants were on bail during the trial.

4. Considering the above and as appeal is registered on 23-01-2024, obviously much more time is required to hear and decide the appeal. Till then, protection as prayed deserves to be granted. Accordingly, I proceed to pass following order :

ORDER

(I) Criminal Application stands allowed.

(II) The substantive sentence imposed on the applicants in Sessions Case No.97 of 2016 by the learned Additional Sessions Judge, Dhule on 08-01-2024 stands suspended till the final hearing and disposal of appeal.

(III) The applicant nos.(1) Dhiraj Thakaji Gawali, (2) Sachin Thakaji Gawali, (3) Rakesh Bhagwan Gawali and (4) Ashok Mukaji Gawali be released on PR. Bond of Rs.15,000/- (Rs. Fifteen thousand only) each with two solvent sureties in the like amount each.

(IV) The applicants shall not commit any criminal activity.

(V) The applicants shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date they tender bail papers and thereafter, the trial Judge to fix dates for their subsequent appearances.

(VI) In case of two consecutive defaults on the part of the applicants to remain present before the trial Court, the trial Court to inform this Court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicants.

(VII) Bail before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE