

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

INTERIM APPLICATION NO.4393 OF 2023
IN
CRIMINAL APPEAL NO. 1317 OF 2023

1. Sandip Dnyaneshwar Mohite
2. Sachin Dnyaneshwar Mohite
3. Sunanda Dnyaneshwar Mohite ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr.Viresh Purwant, Advocate for the Applicants.

Mr.Swapnil V. Walve, A.P.P for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 10th MAY, 2024.

P.C.:

1. The Applicants/Appellants have filed appeal against the judgment and order dated 11.09.2023 passed by the learned Additional Sessions Judge, Barshi in Sessions Case No.16 of 2019 by which the trial Court has convicted the Applicants for the offences punishable under Sections 353, 332 r/w Section 34 of Indian Penal Code and sentenced to suffer simple imprisonment for three months and two months respectively.

2. By this application, the Applicants have prayed that the substantive sentence be suspended and they be released on bail.

3. I have heard learned counsel for the Applicants, learned APP for the respondent/State.

4. The learned counsel for the Applicants submits that the Applicants have good case on merits. The Applicants were on bail during trial. It is submitted that the Applicants have deposited the fine amount.

5. On the other hand, learned APP for the Respondent-State submits that considering the nature of offences for which the Applicants have been convicted, the sentence may not be suspended.

6. This Court has admitted the appeal filed by the Applicants. Considering the fact that sentence is of only three months, I am inclined to suspend the sentence and release the Applicants on bail.

7. Interim Application is allowed and disposed of.

8. Till the decision of the appeal, the substantive sentence of imprisonment is suspended and the Applicants be released on bail on executing PR. Bond in the sum of Rs.15,000/- each with one surety in the like amount.

(N. R. BORKAR, J.)