



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

**INTERIM APPLICATION NO. 993 OF 2019
IN
CRIMINAL APPEAL NO. 1484 OF 2019**

1] SHOBHA TANAJI PATIL
2] RAJENDRA BALASO VITEKAR ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

None for the Applicants.

Mr. Swapnil V. Walve, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : APRIL 10, 2024

P.C. :

1. None for the applicants.
2. This is an application for suspension of sentence imposed on the applicants vide order dated 31/08/2019 by the trial Court and for bail.
3. Learned APP appears for the State and opposed the application. Learned APP submitted that having considered the evidence on record, the trial Court has convicted the applicants vide judgment and order dated 31/08/2019.
4. The applicants Shobha Tanaji Patil and Rajendra

Balaso Vitekar are convicted for the offence punishable under Sections 307, 120-B read with 34 of the Indian Penal Code. The applicants were sentenced to suffer rigorous imprisonment for 2 years and to pay fine. The applicants were on bail during the trial. There is nothing on record to indicate that the applicants have misused their liberty during the trial. The appeal is already admitted, however, is unlikely to be heard any time soon. The period of custody of the applicants was set off under Section 428 of the Code of Criminal Procedure against the substantive sentence of imprisonment imposed by the trial Court. In the present facts and circumstances, the applicants can be enlarged on bail.

5. The applicants - Shobha Tanaji Patil and Rajendra Balaso Vitekar are enlarged on the same bail as in the trial Court but with fresh bonds each.

6. If the fine amount is not paid, the same to be paid within 4 weeks from today.

7. The applicants to remain present at the time of the final hearing of the appeal.

8. The applicants to furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.
9. The application stands disposed of.

(M. S. KARNIK, J.)