

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4880 OF 2024
IN
CRIMINAL APPEAL NO. 344 OF 2023**

HARISH
VITHAL
CHAUDHARI

Sukhdev Bapurao Etkale And Anr.	...Applicants
Versus	
State Of Maharashtra And Anr.	...Respondents

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Mr. Ranjeet Patil a/w Mr. Dhawalsinh Patil i/b Mr. Prashant
Hagare for the Applicants.
Mr. N. B. Patil APP for the State.
Ms. Poonam Godase for Respondent No. 2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th SEPTEMBER, 2025

P.C.:

1. The appellants are seeking suspension of sentence imposed on them by learned Sessions Judge at Malshiras by the judgment and order dated 25th January, 2023.

2. It is the contention of learned counsel for the applicants that the applicants are convicted under Section 394 and 397 read with section 34 of the Indian Penal Code, 1860 and sentenced to suffer seven years rigorous imprisonment and pay

fine of Rs.12,000/- and in default, to suffer rigorous imprisonment for one year. He further submits that applicants are behind bar more than two years and ten months out of seven years. The FIR was lodged against unknown person. No Test Identification Parade of the applicants were taken. This fact was not considered by the learned trial Court. It may take time to hear the appeal finally. Hence, requested to allow the application.

3. It is the contention of learned APP along with Respondent No. 2 that the appellants have had robbed the first informant on the point of deadly weapon. The robbed amount and mobile phone has been recovered at the instance of the applicants. The prosecution has proved the case beyond reasonable doubt before the trial Court. If applicants released on bail, they may abscond. Hence, requested to reject the application.

4. I have heard both the learned counsel. Perused the impugned judgment and order.

5. Applicants are behind bar more than two years and ten months out of seven years imprisonment. FIR was lodged

against unknown persons. No Test Identification Parade of the applicants were taken. It may take time to hear the appeal finally. Considering the incarceration period of the applicants, I pass the following order :

O R D E R

- I. Application is allowed.
 - II. The sentence imposed on the applicants is hereby suspended till disposal of the appeal, subject furnishing P. R. bond in the sum of Rs.20,000/- each with one or two sureties in the like amount.
 - III. The bail bonds to be furnished before the learned Sessions Judge.
6. Interim Application is disposed off.

[SHIVKUMAR DIGE, J.]