

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1612 OF 2025

IN

CRIMINAL APPEAL NO. 449 OF 2025

- 1 Shrikant Surendra Sharma
- 2 Dipakkumar Chhotelal Gaikwad
- 3 Siraj Jawhad Khan

... Applicants

Versus

State of Maharashtra

... Respondent

.....

Ms. Seema Shukla a/w. V.S.Tiwani, Ms. Priti Tiwari and Ms. Priya Muthapan, Advocates for the Applicants.

Mr. Prashant P. Jadhav, APP for the State.

CORAM : SHIVKUMAR DIGE, J.

DATED : 6th MAY, 2025.

P. C. :

1. This is an application for suspension of sentence and bail.
2. Heard learned counsel for the applicants and learned APP for the State.
3. The applicants have been convicted by the Additional Sessions Judge, Belapur for the offence punishable under Section 353, 332, 341 read with 34 of the Indian Penal Code, 1860 (for short "I.P.C.") and sentenced to suffer simple imprisonment for term of two years each and also sentenced to fine of Rs.1,000/- each for the offence punishable under

Section 353 of IPC. If fine is not paid, the accused to suffer simple imprisonment for term of 30 days each. The accused are sentenced to suffer simple imprisonment for term of two years each and also sentenced to fine of Rs.1,000/- each for the offence punishable under Section 332 of IPC. If fine is not paid, the accused to suffer simple imprisonment for term of 30 days each. The accused are sentenced to suffer simple imprisonment for term of one month each and also sentenced to fine of Rs.250/- each for the offence punishable under Section 341 of IPC. If fine is not paid, the accused to suffer simple imprisonment for term of 15 days each.

4. It is contention of learned counsel for the applicants that the Trial Court has granted bail and suspended sentence of the applicants till filing appeal. The applicants were on bail during the period of trial. The applicants have not misused the liberty. The applicants are not habitual offender, hence requested to allow the application.

5. Learned APP strongly objected to allow the application.

6. I have heard both the learned counsel. The sentence imposed on the applicants is short term sentence. The Trial Court has granted bail to the applicants and suspended their sentence till filing the appeal. During the trial the applicants were on bail. It may take time to dispose of the appeal.

7. In view of above, I pass following order.

ORDER

- i. The substantive sentence imposed on the applicants in Sessions Case No. 785 of 2023 is suspended till disposal of the appeal.
 - ii. The applicants be enlarged on bail on furnishing PR.Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.
 - iii. The bail bond to be furnished before the Trial Court.
8. Interim application stands disposed of.
 9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)