

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

**CRIMINAL APPLICATION NO. 1392 OF 2015
IN
CRIMINAL REVISION PETITION NO. 43 OF 2015**

Syed Jilani s/o Syed Akbar

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mr R. A. Jaiswal, Advocate h/f Mr N. S. Ghanekar, Advocate for
the petitioner
Mr S. D. Kaldate, APP for respondent/State
.....

**CORAM : SMT. S. S. JADHAV, J.
DATED : MARCH 18TH, 2015.**

PER COURT: -

. The applicant herein is original accused No. 2 in Reg. Cri. Case No. 6 of 2005. By judgment and order dt. 18/4/2008, the learned JMFC, has been pleased to convict the accused for offence punishable under Section 420 r/w. 34 of IPC, 465 r/w. 34 of IPC and 468 of IPC. Being aggrieved by the said judgment and order, the present applicant had filed criminal appeal No. 107 of 2008. The learned Additional Sessions Judge, Aurangabad, by judgment and order dated 15/3/2015, has been pleased to dismiss the appeal. Hence, this application.

2. The learned Counsel for the applicant submits that, the applicant was on bail during the pendency of the trial as well as during the pendency of the appeal and has not breached any of the bail conditions imposed upon him. The sentence awarded to the applicant is a short term sentence. The co-accused has been enlarged on bail by this Court (Coram : V. M. Deshpande, J.) by an order dated 11/3/2015. It is observed that, suit for specific performance was pending in respect of the disputed property.

3. Taking into consideration the fact that the sentence awarded is a 'short term sentence' and that the substantive sentence imposed upon the co-accused has already been suspended by this Court, this Court is inclined to suspend the substantive sentence of present applicant. The applicant be enlarged on bail on his executing P.R. Bond of Rs. 5,000/- (Rupees Five Thousand only) with one solvent surety in the like amount. The applicant shall report to the Court of Judicial Magistrate First Class, Soygaon once in six months on the date assigned by the said Court. Upon committing breach of the said order and not attending on any two consecutive dates, the prosecution is at liberty to seek cancellation of bail.

4. The interim relief in terms of prayer clause 'B'.

5. Criminal Application stands disposed of accordingly.

(SMT. S. S. JADHAV, J.)

sgp