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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1142 of 2015

IN

CRIMINAL APPEAL No. 901 of 2015.

Jannat Hussain Nurali Shaikh & ors ..Applicants/Appellants.

Versus

The State of Maharashtra ..Respondent.

Mr A.P. Mundargi, Senior Advocate i/by Ms Shradha Sawant for
the Applicants/Appellants.

Mrs Anamika Malhotra, APP for the State.

CORAM : A.R.JOSHI,J
DATE : 23rd September, 2015

P.C. :

1) Heard the learned Counsel for the applicants / original
accused no. 2, 3 and 5 on this application for bail and suspension
of substantive sentence, during pendency of the appeal. The
appeal preferred by the applicants is admitted today.

2) The applicants/accused are convicted for the offences
under sections 307, 143, 147, 148, 149, 452, 427 read with
section 149 of IPC. The impugned judgment and order dated

19th August,2015 is passed by the Additional Sessions Judge, Nashik in Sessions Case No. 66 of 2012.

3) During the trial, the applicants were released on bail. Out of total six accused, other co-accused were acquitted. The learned APP for the State to ascertain whether appeal is preferred by the State challenging their acquittal.

4) The role assigned to the present applicants is that of assault on the victim by means of wooden logs and iron rods. Apparently, there was a counter case in which injured in this case had opened fire from his revolver on the assailant party including the present applicants and one of the assailants died. Apparently, that counter case ended in acquittal but the present applicants were convicted for the offence under section 307 of IPC and sentenced to suffer RI for five years each and to pay fine of Rs.3,000/- each, in default to suffer further R.I. for two months each.

5) Considering the above circumstances, the application is allowed. The applicants-accused Nos. 2, 3 and 5 shall be released on same bail as granted by the trial Court, with fresh bonds to be executed by each of them before the trial Court. The

substantive sentence is suspended till the conclusion of the trial.

6) The present order is effective only after the payment of entire fine amounts by all the applicants in the trial Court. The application is accordingly disposed of.

(A.R.JOSHI, J.)

CERTIFICATE :-

Certified to be true and correct copy of the original signed
order.
