

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

CRIMINAL APPLICATION NO. 2926 OF 2016

Shaikh Rashed @ Sameer S/o Salim Shaikh .. Applicant

Versus

The State of Maharashtra .. Respondent

.....
Mr Sudarshan J. Salunke, Advocate for the applicant
Mr D. R. Kale, APP for respondent/State
.....

**CORAM : A.V.NIRGUDE &
V.L. ACHLIYA, JJ.
DATED : 03.08.2016.**

PER COURT :

1. Heard learned counsel for the respective parties. Perused the impugned judgment and order. There is no eye-witness to the incident. The case is purely based upon circumstantial evidence. It has come on record that, deceased was brought to Hospital by applicant-accused.

2. Having regard to the over all evidence and reasons & findings recorded by the trial court, we are of the view that the

arguable case has been made out in appeal. We restrain ourselves to make any observations on merit of the appeal. However, pending disposal of appeal, the applicant/appellant deserves to be released on bail on certain conditions.

ORDER

- (i) The Criminal Application is allowed.
 - (ii) The substantive sentence imposed upon the applicant is hereby suspended.
 - (iii) The applicant be enlarged on bail on his furnishing P.R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
 - (iv) The applicant shall report to the Police Station Majalgaon (City) on every Sunday in between 10:00 A.M. to 11:00 A.M. till disposal of appeal. Upon breach of the condition to attend the Police Station, the prosecution would be at liberty to file an application seeking cancellation of bail.
2. The application stands disposed of in above terms.

[V. L. ACHLIYA]
JUDGE

[A. V. NIRGUDE]
JUDGE