

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

**CRIMINAL APPLICATION NO. 6134 OF 2015
IN
CRIMINAL APPEAL NO. 841 of 2015
WITH
CRIMINAL APPEAL NO. 841 of 2015**

Yahya Khan Kayyum Khan Pathan & anr. ...PETITIONERS

versus

The State of Maharashtra ...RESPONDENT

.....
Mr. R. A. Jaiswal h/f N. B. Ghanekar, Advocate for Petitioner
Mr. D. R. Kale, APP for Respondent - State
.....

**CORAM : S.S. SHINDE, AND
K.K. SONAWANE, JJ.**

DATED : 16th NOVEMBER, 2016.

Order :-

1. When advocate on record is called out to argue the matter, he submits that already appellant has withdrawn brief from him. Since this application is pending for more than one year, with the assistance of learned APP, we have considered the case of the applicant for bail. Original record is also available for perusal. There are eye witnesses, who have witnessed the incident. The evidence of the witnesses is corroborated by medical and other evidence brought on record. We do not think that this is a fit case to grant bail. Suffice it to say that findings recorded by the trial court *prima facie* appears to be in consonance with evidence brought on record. We do not think it appropriate to elaborate on the evidence at this stage since appeal of

the applicant is pending.

2. In that view of the matter, the application for bail stands rejected.

3. The Registry of this Court shall send original Record and Proceedings to the Registry of the court of Sessions Judge, Vaijapur, District Aurangabad. Upon receiving the original record and proceedings by the Registry of the court of Sessions Judge, Vaijapur, District Aurangabad, the Registry of concerned Court shall prepare the paper-book and send it back along with original record and proceedings, as expeditiously as possible, and preferably within four months from receipt of the original record and proceedings.

4. Upon receiving the paper-book and original record and proceedings, liberty to mention for early hearing of the appeal.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S.S. SHINDE, J.]

MTK