

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.48 of 2016
IN
CRIMINAL APPEAL NO.848 of 2015**

Papa @ Vakil Shamim Pathan .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.Akhilesh Singh with Mr.Manish Dubey, Advocate for the applicant.
Mr.V.B.Konde Deshmukh, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.**DATED : 15th FEBRUARY 2016**

P.C. :

1 Heard.

2 The Appeal filed by the applicant challenging his conviction and the sentence imposed upon him has already been admitted. By the present application, the applicant prays that pending the hearing and final disposal of the Appeal, the substantive sentence imposed upon him, which is of Rigorous Imprisonment for 7 years, be suspended and he be released on bail.

3 A copy of the notes of evidence adduced during the trial is tendered by the learned counsel for the appellant and the same is taken on record.

4 I have been taken through the evidence of the victim, his wife and the medical evidence.

5 The applicant was not on bail during the trial.

6 After taking into consideration all the relevant aspects of the matter, this does not seem to be a fit case where the substantive sentence imposed upon the appellant should be suspended.

7 Application is rejected.

8 The learned counsel for the applicant, at this stage, states that the mental health of the applicant is not sound, and that he needs to be got examined by the Prison Authorities in that regard.

9 Liberty to make such an application, stating grounds in support of such application, granted.

10 Further liberty to the applicant to renew the prayer for bail in the event of the Appeal not being taken up for final hearing within a period of one year from today.

(ABHAY M.THIPSAY, J)