

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.630 OF 2016
IN
CRIMINAL APPEAL NO.846 OF 2010**

Nasir Abdul Farid Khan @ Nasir Kanya ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
CRIMINAL APPLICATION NO.631 OF 2016
IN
CRIMINAL APPEAL NO.4 OF 2011**

Riyajuddin Allauddin Khan @ Pammu ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. R.A. Shaikh i/b. Mr.Abhishek Yende for the Applicant.
Mr. H.J. Dedia, APP for the Respondent -State.

**CORAM: SMT. V.K. TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ**

DATED: 6th May, 2016.

ORAL ORDER [PER SMT. ANUJA PRABHUDESSAI, JJ]:-

The Applicants herein who have been convicted for offence under section 302 of the IPC have filed these applications for suspension of sentence by releasing them on bail pending the appeal.

2. Heard the learned counsel for the Applicants and the learned APP for the Respondent -State. We have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. At the outset it may be mentioned that previous application filed by the Applicant Nasir was dismissed by this Court by order dated 20th June, 2011 passed in Criminal Application No.592 of 2011. Application filed by the Applicant Riyajuddin Allauddin Khan @ Pammu being Criminal Application No.1675 of 2014 was also dismissed by this Court vide order dated 9th January, 2015. It is to be noted that in the previous applications this Court has clearly held that the material on record prima facie shows the involvement of the Applicants in committing the crime. The Applicants have not been able to show any change in circumstance and hence these applications for bail are not maintainable. Mr. R.A. Shaikh, the learned counsel for the Applicants has submitted that there is delay of 40 minutes in lodging the FIR. This argument is devoid of any merits as delay of 40 minutes cannot be considered as inordinate delay. Even otherwise we have gone through the evidence on record and we find that there is sufficient material to prima facie link the

Applicants with the crime.

4. Considering the above facts and circumstances, in our considered view the applications are liable to be dismissed and are accordingly dismissed.

(SMT. ANUJA PRABHUDESSAI,J.) (SMT. V.K. TAHILRAMANI,J.)