

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

**CRIMINAL APPLICATION NO.2319 OF 2017
IN
CRIMINAL APPEAL NO.188 OF 2017**

Jainabee Shaikh Afzal and others .. Applicants

Versus

The State of Maharashtra .. Respondent

Mr.R.R. Shaikh, Advocate for the applicants
Mr.S.N. Morampalle, APP for the respondent/State

**CORAM : V.L.ACHLIYA, J.
DATED : 04.05.2017**

P.C. :-

. The applicants have moved this application seeking suspension of sentence and release them on bail during the pendency of the appeal on the grounds set out in detail in the memo of appeal.

2. Heard learned counsel for the applicants and learned APP for the respondent/State and further perused the judgment and order dated 04.03.2017 passed by the learned Additional Sessions Judge-6 and Special Judge (Atrocity), Nanded.

3. Upon considering the submissions advanced I am

of the view the case has been made out to entertain the application. The quarrel had taken place between complainant and accused on petty issue. On conclusion of the trial the trial Court held the accuse guilty of offence under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and Sections 323 & 504 r/w 34 of the Indian Penal Code. The maximum sentence awarded is of nine months.

5. Looking to the nature of the offences and sentence awarded I am of the view the application deserves to be allowed. Otherwise very purpose of filing the appeal will be defeated. It is possible immediately list the appeal for final hearing. I am, therefore, inclined to allow the application and pass the following order.

ORDER

I) Application is allowed.

II) Pending disposal of appeal the execution of substantive sentence awarded to the applicant stands suspended subject to deposit of fine.

III] Pending disposal of appeal the applicant namely Jainabee Shaikh Afzal, Shaikh Pasha Shaikh Umar, Noorjabee Shaikh Ibrahim be released on bail on their furnishing bail in the sum of Rs.15,000/- each with one surety in like amount on the following conditions.

- a) The applicants shall mark his attendance before the Police Inspector, Hadgaon Police Station, Tq. Hadgaon, Dist. Nanded on every month of last day in between 10.00 am to 11.00 am. till final disposal of the appeal.
- b) The applicants shall furnish the names and addresses of their 3 close relatives with phone numbers.
- c) The applicants shall not cause threat to complainant and other prosecution witnesses.
- d) In the event of change in address the applicants shall intimate concerned Police Station as well as this Court.
- e) During pending of the appeal the applicants shall not involve in any criminal case.

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IV) In the event of breach of any of the conditions, the bail granted to the applicants liable to be canceled.

V) Bail to be furnished before the trial Court. In case the bail is not furnished before the trial Court within one week from the date of this order, the order of suspension of sentence stands re-called and canceled.

VI) The trial Court is directed to report the compliance of furnishing of bail within three weeks to this Court.

VII) The Police Inspector, Hadgaon Police Station, Tq. Hadgaon, Dist. Nanded is directed to submit the report of compliance of conditions of bail after every six months till final disposal of the appeal.

[V.L.ACHLIYA,J.]