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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO.24 OF 2019
IN
APPEAL NO.20 OF 2019**

Yasser Majid Shaikh ...Applicant

VS.

The State of Maharashtra through
Kondhwa Police Station, Pune ...Respondent

Mr.Shirish Gupe, Senior Advocate a/w Mr.Hasnain Kazi, Raed Kazi,
Suchitra Oval for the Applicant
Mr.J.P.Yagnik, APP for the respondent

**CORAM : RANJIT MORE &
SURENDRA P.TAVADE, JJ.**

DATE : DECEMBER 19, 2019.

P. C. :

. By the impugned Judgment and Order dated 2nd November 2019 passed by the Additional Sessions Judge, Pune, the present applicant-original accused No.4 along six other accused has been convicted for the offence punishable under section 302 read with section 149 of the Indian Penal Code,1860 and sentenced to suffer life imprisonment. The appeal filed by the applicant is admitted and the present application is filed for releasing the applicant on bail.

2 The prosecution case is that incident in question was

witnessed by P.W.Nos.1, 2, 8 and 9. We have perused their depositions. So far as P.W.Nos.1 and 8 are concerned, they have not made any reference to the present applicant as accused. P.W.No.2 stated that the present applicant was present at the scene of offence along with other accused persons. However, this statement is an improvement. As far as P.W.No.9 is concerned, in his examination-in-chief he has merely stated that that the present applicant is a friend of original accused No.5.

3 No overt act is alleged on the part of present applicant either by P.W.No.2 or P.W.No.9.

4 The applicant was arrested immediately after the incident in question and he is in jail for last seven years. We are not in a position to take the appeal for final hearing in near future. In the circumstances, we are of the opinion that a case for bail is made out.

5 Hence, we dispose of this application by passing the following order:

ORDER

(I) The sentence imposed on the applicant-Yasser Majid Shaikh by the learned Sessions Judge, Pune in Sessions Case No.790 of 2012 vide impugned Judgment and order dated 2nd November 2018 is hereby suspended.

(II) The applicant be released on bail on execution of P.R.Bond in the sum of Rs.25,000/- (Rupees twenty five thousand) with one or two sureties in the like amount to the satisfaction of the Trial Court;

(III) The applicant shall report to the Registrar/Superintendent of Sessions Court, Pune once in a month.

(IV)The applicant shall give address and contact details at which he shall always be available during the pendency of appeal.

(V)Similar details in relation to the sureties shall also be submitted.

(VI)The applicant shall not in any way directly or indirectly attempt to contact of pressurise either complainant or any of the witnesses.

(VII)The applicant shall keep vakalatnama of his advocate alive and valid till the appeal is finally decided by this Court and he shall not be entitled to any fresh notice at the stage of final hearing.

(VIII)The failure of applicant to observe any of the terms and conditions of this order shall entitle the Respondent-State to take him in custody.

[SURENDRA P.TAVADE, J.]

[RANJIT MORE, J.]