

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 742 OF 2019
IN
CRIMINAL APPEAL NO. 913 OF 2019**

Mr. Ajim Sayyed @ Imtiyaz Sultan

Sayyed

v/s.

The State of Maharashtra

... Applicant

... Respondent

Mr. A.N. Dhokale for the applicant.

Mr. A.S.Patil, APP for the State.

CORAM : DAMA SESHADRI NAIDU, J.

24th July 2019.

P.C.

The applicant was charged with the offence under Section 307 read with Section 34 of Indian Penal Code and Section 3 r/w 25 of the Arms Act. Upon trial, through judgment dated 29th January 2019, the City Civil and Sessions Court, Greater Bombay, convicted the applicant and sentenced him among other things to five years' rigorous imprisonment.

2. Heard Shri R.V.Gupta, the learned counsel for the applicant and the learned APP for the State.

3. I gather from the record and from the rival contentions that the applicant was in jail for 30 months during trial and now after the judgment for the last five months. The applicant has completed more than 50% sentence. The learned APP on instructions has also submitted that applicant has no criminal antecedents.

4. Under these circumstances I suspend the sentence and enlarge the applicant on bail subject to these conditions:

ORDER

- (i) Criminal Application is allowed.
- (ii) Substantive sentence imposed on the applicant- accused is suspended and is directed to be released on bail on his executing P.R. Bond in the sum of Rs.20,000/- and on furnishing two sureties in the like amount.
- (iii) As a condition of this order, the applicant-accused should not contact the first informant, or any other witness, or any member of the deceased victim's family in any manner.
- (iv) The applicant's failure to abide by these conditions shall entail the prosecution to apply for cancellation of bail granted to the applicant-accused.
- (v) Criminal Application is, accordingly, disposed of.

(DAMA SESHADRI NAIDU, J)