

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1688 OF 2018****IN****CRIMINAL APPEAL NO. 916 OF 2018**

Sohel Abbas Mulla

.....Applicant

Vs.

The State of Maharashtra

....Respondent.

Mr. Mohd. Amin H. Solkar for the Applicant.

Ms. P.P. Shinde, APP for the Respondent-State.

**CORAM : A. S. OKA, AND
A. S. GADKARI, JJ.****DATE : 1st MARCH, 2019.****P.C.:-**

Heard the learned counsel appearing for the Applicant and the learned APP for the State.

2 This is an Application for suspension of sentence and grant of bail. The Applicant has been convicted for the offence punishable under Section 302 of the Indian Penal Code and is sentenced to undergo life imprisonment. He is in custody from 9th August, 2014. The approximate age of the Applicant on the date of commission of crime was 19 years.

3 With the assistance of the learned counsel appearing for

the Applicant and the learned APP, we have perused the notes of evidence. Apart from the fact that the evidence of P.W. Nos. 1 and 2 shows that it is a case of single blow, it appears that there was a fight between the Applicant and the deceased over the games of Basketball and Cricket. Moreover, the learned Trial Judge has observed that the length of blade of knife which was used as a weapon of offence was only 1.5 cms. The evidence of panch witness shows that the handle of the knife is of black rubber.

4 Considering the aforesaid circumstances and considering the fact that the Applicant was about 19 years old on the date of commission of offence and has undergone sentence for more than 4½ years, a case is made out for enlarging the Applicant on bail. There are no other antecedents reported.

5 Accordingly we dispose of the present Application by passing following Order:-

- a) The substantive sentence imposed upon the Applicant-Sohel Abbas Mulla under the Judgment and Order dated 22nd January, 2018 passed by the Additional Sessions Judge, Sangli in Sessions Case No. 269 of 2014 shall stand suspended till the final

disposal of the Appeal;

- b) The Applicant shall be enlarged on bail in the sum of Rs.15,000/- with one or two sureties to make up the amount;
- c) The bail is granted subject to condition of the Applicant reporting to the learned Trial Judge at 11.00 a.m. on every first Monday of the months of January and July of every calendar year till the final disposal of the Appeal;
- d) If the first Monday falls on a Court holiday, the Applicant shall report on immediately next working day;
- e) In case of default, the learned Trial Judge will submit the report to the Registrar (Judicial-I) of this Court who shall ensure that the report is placed before the appropriate Bench;
- f) Application is accordingly allowed in the above terms.

(A.S. GADKARI, J.)

(A.S. OKA, J.)