

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.388 OF 2020

AND

CRIMINAL APPEAL NO.369 OF 2020

(Aasif S/o Babbu Qureshi @ Aasif S/o Babbu Kureshi
VS.

The State of Maharashtra and another)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's order
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Shri R.M. Daga, Advocate for the appellant.

Shri T.A.Mirza, Additional Public Prosecutor for the respondent No.1/State.

Shri Omer J. Hashim, Advocate for the respondent No.2.

CORAM: Z.A.HAQ AND AMIT B. BORKAR, JJ.
DATED : 14.12.2020

1. Heard.
2. On 28th October, 2020, while hearing Criminal Application (APPA) No.388/2020 filed by the appellant-convict praying for suspension of sentence and direction to release him on bail, the appellant as well as the respondent No.2-victim had submitted that they were willing to marry. To test the bonafides, we had passed an order on 28th October, 2020 directing release of appellant-convict on provisional bail, on conditions as stated in the order. Affidavits dated 14th December, 2020 sworn by the appellant and respondent No.2 are placed on record stating that they got married on 8th November, 2020. Copy of Nikahnama (Certificate issued by Sunni Jama Masjid Madinapur, Gadchiroli) and copy of Certificate of Registration of Marriage dated 11th November, 2020 are also placed on

record.

3. In view of this relevant development, we pass the following order:-

i) The sentence imposed on the appellant by the impugned judgment and order is suspended till decision of this appeal.

ii) The order passed by this Court on 28th October, 2020 directing release of the appellant on provisional bail is confirmed on the same terms and conditions as stated in that order.

Criminal Application No.388/2020 is **allowed** in the above terms.

Liberty is granted to Respondent No.2-victim to move this Court for recalling of this order and cancellation of bail granted to the appellant/accused if she finds that the appellant is not abiding by the undertaking given to this Court.

CRIMINAL APPEAL NO.369/2020

List the appeal for final hearing in normal course.

JUDGE

JUDGE

Manisha