

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

**CRIMINAL APPLICATION NO. 579 OF 2020
IN
CRIMINAL APPEAL NO. 160 OF 2020**

1. Shahrukhkhan s/o Kalimkhan
Age: 27 years, Occu.; Labour,
R/o Hatjodi, Chouphala, Nanded
2. Salmankhan @ Rahim s/o Salimkhan
Age: 27 years, Occu.: Labour,
R/o Hatjodi, Chouphla, Nanded
3. Shaikh Saddam s/o Shaikh Mazhar
Age: 23 years, Occu.: Labour
R/o Sailabnagar, Khadakpura, Nanded
At present R/o Hatjodi, Chouphala, Nanded ..APPLICANTS

VERSUS

State of Maharashtra
Through Police Station,
Itwara, Tq. & Dist. Nanded ..RESPONDENT

....

Mr. B.N. Gadegaonkar, Advocate for applicants
Mr. S.N. Kendre, A.P.P. for respondent - State

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**CORAM : R.G. AVACHAT, J.
DATED : 03rd JULY, 2021**

PER COURT :

1. This is an application for suspension of substantive sentence of imprisonment passed by the learned Additional Sessions Judge-2, Nanded in Sessions Case No. 144 of 2013 vide judgment and order dated 20th January, 2020.

2. The applicants have been convicted for the offences punishable under Sections 307 read with Section 34 of the Indian Penal Code. The applicants are sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.8,000/- each, in default to suffer simple imprisonment for six months.

3. Heard. Learned counsel for the applicants took me through the relevant evidence and urged for suspension of execution of sentence of imprisonment.

4. Learned A.P.P. strongly opposed the application.

5. The applicants were on bail pending trial. The appeal is not likely to come up for final hearing in the near future. I am, therefore, inclined to allow the application as under :-

ORDER

(i) Criminal application is allowed in terms of prayer clauses (B)

(ii) Pending the appeal, the substantive sentence of imprisonment shall stand suspended. The applicants be released on bail on their executing P.R. bonds in the sum of Rs.15,000/-

(Rupees Fifteen Thousand) each with one surety in the like amount.

(iii) Bail before the trial Court.

(R.G. AVACHAT, J.)

SSD