

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

**CRIMINAL APPLICATION NO. 1049 OF 2021
IN
CRIMINAL APPEAL NO. 247 OF 2021**

Shaikh Shaukat S/o Shaikh Sharfoddin ... Appellant

Versus

The State of Maharashtra ... Respondent

....

Mr. G.R. Syed, Advocate for the Applicant

Mr. K.N. Lokhande, A.P.P. for Respondent / State

....

**CORAM : SHRIKANT D. KULKARNI, J.
(Vacation Court)**

DATE : 13th MAY, 2021

PER COURT:-

1. Issue notice to respondents. Learned A.P.P. waives service of notice for Respondent / State.
2. Heard Mr. Syed, learned counsel for the applicant / original accused and the learned A.P.P. for respondent / State.
3. On going through the impugned judgment and order passed by the Trial Court, it is evident that the learned Trial Court was pleased to convict the applicant / original accused for the offence punishable under Sections 366, 376(1) and 506(I) of the Indian Penal Code. The

impugned order of conviction is under challenge before this Court on various grounds. More particularly, in view of medical evidence brought on record. It would not be appropriate to touch the merits of the matter at this stage. It is an appeal against the impugned judgment and order of conviction and the impugned order of substantive sentence needs to be suspended during pendency of the appeal. Further, it is revealed that during the trial the applicant / original accused was on bail and he needs to be enlarged on bail. There are no extraordinary circumstances to deny the bail to the applicant / original accused.

4. With this I conclude and proceed to pass the following order:

ORDER

(i) The Criminal Application for suspension of sentence and bail is hereby allowed.

(ii) The substantive sentence passed in Sessions Trial No. 02 of 2016 by Additional Sessions Judge Parbhani dated 13.04.2021 is hereby suspended till the final decision of the appeal on condition that the applicant / original accused shall deposit an amount of fine in the Trial Court.

(iii) The applicant / original accused Shaikh Shaukat S/o Shaikh Sharfoddin be released on bail on his furnishing PR bond of Rs.15,000/- with one or two solvent surety in the like amount.

(iii) In case, the applicant / original accused is not in a position to furnish the bail due to Covid-19, he is at liberty to deposit cash surety in the Trial Court.

(iv) Bail before the Trial Court.

(SHRIKANT D. KULKARNI)
JUDGE

S.P. Rane