

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

**919 CRIMINAL APPLICATION NO.1300 OF 2021
IN CRIMINAL APPEAL NO.115 OF 2021**

**JAMEER DILAWAR SHAIKH
VERSUS
THE STATE OF MAHARASHTRA**

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Mr.P.P. More, Advocate for the applicant.
Mr.R.B. Bagul, APP for respondent/State.

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CORAM : N.R. BORKAR, J.

DATE : 23.11.2021

P.C. :

This is an application under section 389 of Criminal Procedure Code for suspension of sentence and to release the applicant on bail.

2. The applicant came to be convicted for offences punishable under section 394, 397, 323 r/w 34 of the Indian Penal Code. So also for the offences punishable under sections 3 r/w 25 of the Indian Arms Act. The maximum sentence, which the applicant is directed to suffer is imprisonment for 7 years.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State. The learned counsel for the applicant submits that the trial

Court has failed to consider the evidence on record in its proper perspective and arrived at wrong findings. It is submitted that the applicant is in jail since 05.11.2016 and has thus already undergone more than five years of sentence. Considering this fact and circumstances, the substantive sentence be suspended and the applicant be released on bail.

3. On the other hand, the learned APP submits that the applicant is involved in the serious offence of robbery. It is submitted that the applicant is habitual offender and there are other crimes registered against him for the similar offences. It is, accordingly, submitted that the application be rejected.

4. This Court has already admitted the Appeal. The learned APP has not disputed that the applicant is in jail since 05.11.2016. As such, the applicant has already undergone more than five years of sentence and maximum sentence is of 7 years. Considering this fact, I am inclined to suspend the sentence and release the applicant on bail. The following order is passed :-

ORDER

(i) The application is allowed. The substantive sentence imposed by the trial Court is suspended and the applicant is released on bail on furnishing P.R. bond of Rs.25,000/- with one surety like amount.

(ii) The applicant shall attend Shivaji Nagar Police Station, Latur once in every month i.e. on 1st Monday of every month, between 11.00 a.m. to 2.00 p.m. during the pendency of the present Appeal.

(iii) Bail before the trial court.

[N.R.BORKAR, J.]

SGA