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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal I.A. No. 81 / 2021
in
Criminal Appeal Stamp No. 5187 / 2020

Shahabaz @ Chinya Sadik Bagwan

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr. Bharat K. Manghani, Advocate for the Applicant.
Ms. Veera Shinde, APP for State/ Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : 12th JANUARY, 2021

P.C. :-

Heard.

1. Pending appeal, applicant seeks his enlargement on bail.
2. Applicant has been convicted for the offence punishable under Section 307 and sentenced to undergo rigorous imprisonment for five years and fine of Rs. 15000/- by judgment

and order dated 14th October, 2020 passed by the learned Additional Sessions Judge, Pune in Sessions Case No. 4 / 2019.

3. Applicant, remained incarcerated since 28th September, 2018, that is almost for two years and three months, as against the sentence for five years.

4. I have perused the judgment and notes of evidence. It is unfolded in evidence that the applicant had inflicted injury, on left leg of the complainant by, weapon called, 'Palghan' and corresponding injury was found and noted by the Medical Officer, i.e. CLW over left leg upper part 4 x 2 x 1 cm.

5. The two co-accused as it appears from the evidence, since were harbouring grudge against the injured had assaulted the complainant by weapon called 'Palghan' on his head and hand. The Medical Officer therefore, opined had the injured not been treated in time, in the ordinary course, he would have succumb to injuries. Be that as it may, in consideration of the evidence of Dr. Madhushri

Naik (PW-5) and a fact that applicant has already undergone imprisonment for two years, application is allowed. He is directed to be released on bail on executing P.R. bond in the sum of Rs. 30,000/- with one or more sureties in the like amount.

6. Pending appeal, the applicant is directed mark his presence in the concerned Session Court, which has convicted the applicant, on 2nd Monday of each month from February, 2021 between 11 am. to 01 pm. for a period of one year.

7. Application is allowed and disposed of.

(SANDEEP K. SHINDE, J.)