

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

**CRIMINAL APPLICATION NO.349 OF 2022 IN
CRIMINAL APPEAL NO.76 OF 2022**

Shaikh Mukhtar @ Baba s/o Sk. Pirsab ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Mr. B.N. Gadegaonkar, Advocate for applicant
Mrs. G.L. Deshpande, A.P.P. for respondent
.....

CORAM : R. G. AVACHAT, J.

DATE : 9th FEBRUARY, 2022

PER COURT :

Heard. Issue notice to respondent. Learned
A.G.P. waives service for the respondent.

2. The applicant has been convicted for the offence punishable under Sections 307 and 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and one year respectively with fine. The substantive sentences have been directed to run concurrently. The trial Court has suspended the sentences till the appeal period. Fine amount has been deposited.

3. Considering the facts and circumstances of the case and since the sentences imposed are short term sentences, I am inclined to allow the criminal application. Hence the order :

ORDER

(i) The Criminal Application is allowed.

(ii) Pending the appeal, the substantive sentences imposed by the learned Additional Sessions Judge-2, Nanded in Sessions Case No.106/2017, dated 20/12/2021 are suspended and the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

**(R. G. AVACHAT)
JUDGE**

fmp/-