

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

**CRIMINAL APPLICATION NO.836 OF 2019
IN REVN/70/2019**

**AHMED YAKUB SHAIKH
VERSUS
RAJIYA HAMID SHAIKH AND ANOTHER**

...
Advocate for Applicant : Mr. Sanjay D. Kotkar
APP for Respondent No.2 : Mr. S. P. Tiwari
...

CORAM : BHARAT P. DESHPANDE, J.

DATED : 03rd AUGUST 2022

PER COURT :

Vide order dated 13-03-2019 passed by this Court, the applicant was first directed to surrender before the trial court and only thereafter his requested for considering suspension of sentence and grant of bail in the present proceedings was to be considered.

2. Learned counsel for applicant has now produced a warrant/order passed by the learned trial court dated 28-07-2022, which is taken on record and marked 'X' for identification, by which it shows that the applicant surrendered/taken into custody and then sent to jail for undergoing sentence for the offence punishable under section 354 of Indian Penal Code.

3. Heard Mr. Kotkar, learned counsel for applicant and Mr. Tiwari learned APP for respondent-State.

4. Learned counsel for applicant submitted that applicant was on bail throughout during trial and during that period he did not violate any condition imposed on him.
5. Learned counsel for applicant submits that he is having good case in the present Revision and there is every possibility of considering the applicant as innocent against the said offence.
6. Considering the above submissions and the fact that the applicant was on bail during trial proceedings, it is expedient to release him on bail by suspending the sentence. Hence the order :

ORDER

- (I) The application is allowed.
 - (II) The sentence awarded by the by the courts below is hereby suspended till the decision of present Criminal Revision Application.
 - (III) The applicant be released on bail on furnishing PR bond of Rs.25,000/- with one solvent surety in the like amount to the satisfaction of the learned Magistrate.
 - (IV) The criminal application stands disposed off.
7. Parties to act on an authenticated copy of this order.

(BHARAT P. DESHPANDE, J.)