

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

**CRIMINAL APPLICATION NO.989 OF 2022 IN
CRIMINAL APPEAL NO.206 OF 2022**

Shaker s/o Hamid Hashmi

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. B.N. Gadegaonkar, Advocate for applicant
Mr. S.P. Sonpawale, A.P.P. for respondent
.....

CORAM : R. G. AVACHAT, J.

DATE : 6th APRIL, 2022.

PER COURT :

Heard. Perused paragraph No.50 of the impugned judgment and order of conviction and resultant sentence. The applicant has been convicted with the aid of Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs.25,000/-, in default to suffer rigorous imprisonment for six months for the offence punishable under Section 304 Part II read with Section 34 of the Indian Penal Code. The applicant is also sentenced to suffer rigorous imprisonment for one month for the offence punishable under Section 323 read with Section

34 of the Indian Penal Code. The appeal filed by the appellant has been admitted by this Court.

2. The applicant has assaulted the deceased with fists and kicks while the co-convict banged the head of the deceased against iron grill and gave fatal kick. The applicant has been behind the bars for little over four years. The appeal is not likely to come up for hearing in immediate future. Therefore, I am inclined to release the applicant on bail pending the appeal. Hence the order :-

ORDER

- (i) The application is allowed.
- (ii) Pending the appeal, the substantive sentences imposed upon the applicant by learned Additional Sessions Judge-2, Udgir, by judgment and order dated 28/1/2022 is suspended and the applicant shall 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/-