

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

**CRIMINAL APPLICATION NO.1126 OF 2022 IN
CRIMINAL APPEAL NO.252 OF 2022**

Mehmood Shaikh Ahemad @ Munna
and others ... **APPLICANTS**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....

Mr. A.B. Girase, Advocate for applicants
Mrs. D.S. Jape, A.P.P. for respondent – State

.....

WITH

**CRIMINAL APPLICATION NO.1366 OF 2022 IN
CRIMINAL APPLICATION NO.1126 OF 2022 IN
CRIMINAL APPEAL NO.252 OF 2022**

Sayyad Mujaffar Ali Sayyad Liyakat Ali ... **APPLICANT**

VERSUS

Mehmood Shaikh Ahemad @ Munna
and others ... **RESPONDENT**

.....

Mr. S.A. Kulkarni, Advocate for applicant
Mr. A.B. Girase, Advocate for respondents No.1 to 7
Mrs. D.S. Jape, A.P.P. for respondent No.8 – State

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CORAM : R. G. AVACHAT, J.

DATE : 12th APRIL, 2022.

PER COURT :

Criminal Application No.1366/2022 filed by the
original complainant is allowed. The original complainant is
allowed to intervene in Criminal Application No.1126/2022.

2. Mr. Girase, learned counsel for the applicants does not press application for applicants No.5 and 6. The application of applicants No.5 and 6, therefore, stands disposed of as withdrawn.

3. Heard learned counsel for the parties. The applicants have been convicted for the offences punishable under Sections 307/149, 504/149, 143, 147, 148 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, and sentenced to suffer rigorous imprisonment for seven years and to pay fine of Rs.5000/-, in default to suffer rigorous imprisonment for three months for the offence punishable under Section 307 read with Section 149 of the Indian Penal Code. No separate sentence is awarded for the offences punishable under Sections 143, 147, 148, 504 of the Indian Penal Code and Section 135 of the Maharashtra Police Act. It is a short term sentence of seven years rigorous imprisonment. The applicants were on bail pending trial. The victim was discharged from the hospital the same day.

4. The appeal filed by the applicants has been admitted by this Court. It will take time for the appeal to come up for final hearing. Although the applicants No.1 to 4 and 7 have criminal antecedents, some rigorous conditions

could be imposed while suspending the sentence and granting bail to the applicants. Hence the order :-

ORDER

(i) The Criminal Application of applicants No.5 and 6, therefore, stands disposed of as withdrawn.

(ii) The Criminal Application of applicants No.1 to 4 and 7 is allowed. Pending the appeal, the sentence of imprisonment imposed by learned Additional Sessions Judge, Shahada in Sessions Case No.53/2017 by judgment and order dated 16/3/2022 is suspended and the applicants No.1 to 4 and 7 be released on bail on their executing P.R. bond in the sum of Rs.25,000/- (Rupees twenty five thousand) each with one or two sureties in the like amount.

(iii) The applicants No.1 to 4 and 7 shall mark their attendance at the concerned police station once a fortnight on every Second and Fourth Saturday of every month till further orders.

(iv) The Criminal Application is disposed of.

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

fmp/-