

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

**CRIMINAL APPLICATION NO.1167 OF 2022 IN
CRIMINAL APPEAL NO.261 OF 2022**

Maqsood Khan Maqbool Khan Pathan
and others

... APPLICANTS

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. B.P. Pande, Advocate for applicants
Mrs. G.L. Deshpande, A.P.P. for respondent
.....

CORAM : R. G. AVACHAT, J.

DATE : 12th APRIL, 2022.

PER COURT :

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

2. The applicants have been convicted for the offence punishable under Section 353 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year. The applicants are also convicted for the offence punishable under Section 323 read with Section 34 of the Indian Penal Code and sentenced to suffer simple imprisonment for one month. Both the substantive sentences have been directed to run concurrently. The

criminal appeal filed by the applicants has been admitted. It being a short term sentence, and considering that the appeal is not likely to come up for final hearing in immediate future, I am inclined to allow the application and release the applicants on bail pending the appeal. Hence the order :-

ORDER

(i) The criminal application is allowed.

(ii) Pending the appeal, the substantive sentences of imprisonment imposed by the learned Additional Sessions Judge, Aurangabad by judgment and order dated 11/3/2022, passed in Sessions Case No.440/2019 are hereby suspended and the applicants be released on bail on their executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount.

(R. G. AVACHAT)
JUDGE

fmp/-