

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

**CRIMINAL APPLICATION NO.2108 OF 2022
IN
CRIMINAL APPEAL NO.470 OF 2022**

**SHAIKH KALIM SHAIKH KASIM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

....
Ms. A.N. Ansari, Advocate for the Applicants
Mr. P.G. Borade, APP for Respondent/State
....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 26 JULY, 2022

PER COURT:-

. Leave to amend the prayer clause.

2. It is an application for suspension of sentence coupled with prayer for bail.

3. Heard Ms. A.N. Ansari, learned counsel for the applicants/appellants and Mr. P.G. Borade, learned APP for the respondent/State. Perused the impugned judgment and order of conviction passed in Sessions Case No. 103 of 2017 by the Additional Sessions Judge, Nanded.

4. It is revealed during the course of argument that the applicants/appellants were put on trial and they have convicted for the offences punishable under Sections 395, 353, 336, 337, 504, 506 read with Section 34 of the Indian Penal Code. Learned counsel for the applicants/appellants submits that the applicants/appellants were on bail during the trial and they have been taken into custody after order of conviction. The same fact is not disputed by Mr. Borade, learned APP for the respondent/State.

5. The impugned judgment and order of conviction passed by the learned Additional Sessions Judge, Nanded in Sessions Case No. 103 of 2017 is challenged before this Court on various grounds which is under scrutiny.

6. Having regard to the above reasons and discussion, it would be just and proper to allow this application. Hence, the following order.

ORDER

(i) The substantive sentence passed in Sessions Case No. 103 of 2017 by the Additional Sessions Judge-1, Nanded is hereby suspended till the final decision of the appeal.

(ii) The applicants/appellants shall be released on bail on their furnishing P.R. bond of Rs.15,000/- each with one or two solvent securities of the like amount on the following conditions.

(a) The applicants/appellants shall furnish in detail address with their cell numbers with the trial court.

(b) The applicants/appellants shall furnish in detail address with their cell numbers with the concerned police station.

(c) Bail before the trial court.

(iii) The criminal application is disposed of accordingly .

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane