

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 CRIMINAL APPLICATION NO. 2286 OF 2022
IN
CRIMINAL APPEAL NO. 519 OF 2022

ABDUL MOIN ABDUL RAHIM

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Appellant : Mr Tauseef Yaseen Sayyed
APP for Respondent/State : Mr P.G. Borade

CORAM : SHRIKANT D. KULKARNI , J.

DATE : 25th JULY, 2022

PER COURT :

1. It is an application for suspension of sentence and bail moved by the appellant/original accused No.2.
2. Heard Mr Sayyed, learned counsel for the appellant/accused and Mr P.G. Borade, learned APP for the State/respondent.
3. Perused the impugned Judgment and order of conviction passed in Sessions Case No. 93/2012 by the Additional Sessions Judge, Beed.
4. On going through the impugned Judgment and order of conviction, it is revealed that the present appellant/original accused No. 2 came to be convicted alone under section 325 of I.P.C. and sentenced to suffer rigorous imprisonment for two years and pay fine of Rs.2,000/- with default stipulation.

5. He came to be acquitted for the offences punishable under sections 504 and 506 read with Section 34 of the I.P.C. Accused No.1/ Abdul Mobin Abdul Rahim came to be acquitted for the offences punishable under sections 307, 504 and 506 read with section 34 of the I.P.C.

6. Mr Sayyed, learned counsel for the appellant submitted that the appellant/accused was on bail during the trial. Even after conviction, he was released on bail by the trial court.

7. Mr Borade, learned APP for the State strongly opposed to release the appellant/accused on bail.

8. Having regard to the submissions of Mr Sayyed, the learned counsel for the appellant/accused No. 2 and considering the fact that the appellant/accused was on bail during the trial, I do not see any extraordinary circumstances to detain him behind the bars during the pendency of the appeal.

ORDER

(i) The criminal application is hereby allowed.

(ii) The substantive sentence passed against appellant/accused No. 2, Abdul Moin Abdul Rahim in Sessions Case No. 93/2012 by the Additional Sessions Judge, Beed, is hereby suspended till final decision of the appeal.

- (iii) The appellant/original accused No. 2 shall be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand) with one or two solvent sureties of the like amount.
- (iv) Bail before the trial court.
- (v) The criminal application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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