

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

912 CRIMINAL APPLICATION NO.2444 OF 2022
IN APEAL/550/2022

1. Amjad Khan Gaus @ Pashu Khan.
2. Raju Khan Gaus @ Pashu Khan. ... Applicants

Versus

The State of Maharashtra. ... Respondent

...
Mr. Avinash R. Borulkar, Advocate for Applicants.
Mr. S. P. Deshmukh, APP for Respondent/State.
...

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 03rd August, 2022.

PER COURT.:

. It is an application for suspension of substantive sentence and bail moved by the appellants/original accused.

2 Heard Mr. Borulkar, learned counsel for the applicants and Mr. S. P. Deshmukh, learned APP for the State.

3 Perused the impugned judgment and order of conviction passed in Sessions Case No.613 of 2019 by the learned Additional

Sessions Judge, Aurangabad, whereby the appellants came to be convicted for the offences punishable under Sections 353 and 332 read with 34 of the Indian Penal Code. The maximum sentence awarded against the appellants/accused is for two years. It is informed by the learned counsel for appellants that the appellants/accused have deposited the fine amount with the Trial Court. They were on bail during the trial and even after conviction, they have been released on bail. Under these circumstances, there is no reason to keep the appellants/applicants behind bars during the appeal period. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed.
- II. The execution of substantive sentence passed in Sessions Case No.613 of 2019 by the learned Additional Sessions Judge, Aurangabad against the applicants/original accused (Amjad Khan Gaus @ Pashu Khan and Raju Khan Gaus @ Pashu Khan), is hereby suspended till final decision of the appeal.
- III. The applicants/accused shall be released on bail on their furnishing P.R. bond of Rs.25,000/- (Rupees Twenty-Five Thousand Only) each with one or two

solvent sureties of the like amount by each of them on the following condition.

- a) The appellants/applicants shall furnish their in detail address and cell numbers with the Trial Court.
- b) Bail before the Sessions Court.

IV. The criminal application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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