

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

26 CRIMINAL APPLICATION NO.2778 OF 2022
IN APEAL/614/2022

JAKER KHAN MAHEBOOB KHAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Vijay B. Jogdand Patil.
APP for Respondent/State: Mr. P. G. Borade.

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CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 29th August, 2022.

P.C.:

. It is an application for suspension of sentence and bail moved by the the appellant.

2 Heard Mr. Jogdand Patil, learned counsel for appellant/ applicant and Mr. Borade, learned APP for respondent No.1 / State.

3 It is revealed during the course of argument that the applicant / appellant was on bail during the trial. The appellant came to be convicted for the offence punishable under Sections 354, 323, 504 and 506 of the Indian Penal Code with respective fine amount with default clause. The maximum sentence awarded against the applicant / accused is of rigorous imprisonment for one year.

4 The learned counsel for the applicant / appellant submitted that the appellant has deposited the entire fine amount with the Trial Court and invited my attention to the copy of receipt, which is at Exhibit-B (page No.31). It seems that the applicant / appellant has deposited entire amount of Rs.28,000/- with the Trial Court. By looking to the fact that the applicant / appellant was on bail during the trial and considering the small volume of sentence awarded against the applicant / appellant, he needs to be enlarged on bail by suspending the substantive sentence. There are no extraordinary circumstances to keep the applicant / appellant behind the 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 against the applicant / appellant by the learned Additional Sessions Judge, Aurangabad in Sessions Case No.133 of 2019, is hereby suspended till final decision of the appeal.
- III. The applicant / appellant shall be released on bail on his furnishing P.R. bond of Rs.20,000/- (Rupees

Twenty Thousand Only) with one or two solvent sureties of the like amount on the following condition.

“The applicant/appellant shall furnish his in detail address and cell number before the Trial Court as well as with the concerned police station.”

IV. Bail before the Sessions Court.

V. The criminal application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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