

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3222 OF 2022
IN APEAL/896/2022 WITH APEAL/600/2022 WITH
APEAL/896/2022

SHAIKH WAJID SHAIKH CHUNNU
VERSUS
THE STATE OF MAHARASHTRA

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Mr. N.S. Ghanekar, Advocate for the Applicant.
Mr. R.V. Dasalkar, APP, for the Respondent – State.

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CORAM : R.G. AVACHAT &
R.M. JOSHI, JJ

DATE : DECEMBER 23, 2022.

PER COURT :

1. This application is filed for enlargement on bail by suspending substantive sentence passed against present Applicant in Special (Atrocities) Case No. 41 of 2020.

2. Learned Advocate for the Applicant submitted that co-accused to whom greater role is attributed is already enlarged on bail by this Court, hence, on parity he may released on bail.

3. Learned APP opposed application by contenting that after considering evidence on record learned Trial Court has convicted the applicant and hence it is not a

fit case to grant relief to him.

4. Learned Advocate for Respondent No. 2 – Victim strenuously urged that this is a case of circumstantial evidence and as observed by learned Trial Court in para 17 and 18 after considering evidence of material witnesses conviction is recorded against them. It is further argued that there is every likelihood of victim being threatened by the Applicant after he is released on bail.

5. This Court while passing order on application of the co-accused has considered the material evidence on record and enlarged co-accused on bail. In so far as present Applicant is concerned, there is no allegation of occurrence of any previous incident of the deceased with this accused nor there is any incriminating recovery attributed to him. In such circumstances, there is no justification for denying parity to the present applicant.

6. As far as the apprehension of threats which are likely to be given by applicant on his enlargement on bail is concerned, it is not in dispute that during

pendency of the trial, applicant as well as co-accused were on bail and till date, no such incident has been reported. We are, therefore, inclined to allow the application as under:

ORDER

(A) Criminal Application is allowed in terms of prayer clause 'B'.

(B) Pending the appeal, the substantive sentence of imprisonment imposed by the trial Court is suspended. The applicant be released on bail on his executing P.R. bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(C) Bail before the trial Court.

(R.M. JOSHI, J.)

(R.G. AVACHAT, J.)

Malani