

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3275 OF 2022 IN
CRIMINAL APPEAL NO.642 OF 2022

Yunus Masjid Shaikh

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. S. S. Jadhav, Advocate for the applicant.

Mr. R. V. Dasalkar, APP for the State.

CORAM : R. G. AVACHAT &

R. M. JOSHI, JJ.

DATE : 23rd DECEMBER, 2022.

PER COURT :

1. This is an application for suspension of substantive sentence imposed against applicant by impugned judgment. According to the learned advocate for the applicant, the applicant was sentenced to suffer R.I. for 10 years out of which, he has already undergone imprisonment for the period of seven years. In the circumstances, he seeks enlargement on bail.

2. Application is opposed by learned APP citing sentence of crime.

3. This matter was taken up for hearing yesterday but for absence of learned advocate for respondent No. 2, the same was adjourned. The learned advocate who represented him before this Court was specifically directed to make alternate arrangement in case of his non-availability. In spite of such direction, none present on behalf of respondent No. 2 and hence we are inclined to decide this application in his absence.

4. Applicant was sentenced to suffer Rigorous Imprisonment for 10 years out of which, he has already undergone seven years. There is no chance of this appeal being taken up for hearing in near future having regard to the pendency of old appeals. Hence, if applicant is not enlarged on bail and is called upon to undergo the remaining sentence, the appeal itself would become infructuous. In the circumstances we are inclined to allow this application. Hence the order :-

ORDER

- i) Application is allowed.
- ii) Pending the appeal, the substantive sentence of imprisonment imposed by the trial Court is suspended.

- iii) The applicant be released on bail on executing PR Bond in the sum of Rs. 15,000/- (Rs Fifteen Thousand) with one surety in the like amount.
- iv) Bail before the trial Court.

(R. M. JOSHI)
Judge

(R. G. AVACHAT)
Judge

dyb