

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.2846 OF 2021 IN
CRIMINAL APPEAL NO.600 OF 2021**

Rashid @ Papa s/o Salam Shaikh ... **APPLICANT**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. Naseem R. Shaikh, Advocate for applicant
Mrs. G.L. Deshpande, A.P.P. for respondent No.1.
Mr. M.S. Shaikh, Advocate for respondent No.2
.....

CORAM : R. G. AVACHAT, J.

DATE : 7th JANUARY , 2022

PER COURT :

Heard learned counsel for the parties. Learned counsel for the respondent No.2 victim would submit that, the trial Court, on appreciation of evidence in the matter, held the applicant guilty of the offence. He, therefore, does not deserve suspension of substantive sentence of imprisonment. The learned counsel urged for early hearing of the appeal.

2. Pending the trial, the applicant was on bail. Even on his conviction by the trial Court, the substantive sentence of imprisonment was suspended until filing of the appeal. It is

informed that, due to poverty, the applicant could not prefer the appeal in time and has, therefore, been languishing in jail.

3. Considering the quantum of sentence, and the fact that the appeal is not likely to come for hearing in the near future, pending the appeal, the substantive sentence imposed upon the applicant to stand suspended and 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.

4. The fees of learned counsel Mr. M.S. Shaikh, who is appointed for the respondent No.2 victim, is quantified at Rs.7000/- (Rupees Seven thousand) for the purpose of this application for bail.

(R. G. AVACHAT)
JUDGE

fmp/-