

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

CRIMINAL APPLICATION NO. 4367 OF 2022
IN
CRIMINAL APPEAL (STAMP) NO. 12053 OF 2022

Yusuf @ Guddu Farookh Shaikh
VERSUS
THE STATE OF MAHARASHTRA

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Ms. Uma S. Bhosale, 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 21, 2022.

PER COURT :

1. By this application, Applicant is seeking suspension of sentence.

2. Learned Advocate for the Applicant submitted that co-accused to whom similar role has been attributed are enlarged on bail, hence, on parity itself application be allowed.

3. Learned APP opposed the said contention by submitting that witnesses have deposed about she being one of the assailants hence, application be rejected.

4. This Court, while enlarging some of the co-

accused on bail, has held that there is delay of four days in recording statement of eye witnesses. Similarly, there is no consistent evidence with regard to the assault being caused by present applicant on the deceased. Testimony of the witness Ajaz (PW 7) indicates the role of co-accused who are denied bail. In the facts and circumstances, we are inclined to allow application. Hence, the following order:

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