

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.630 OF 2022
IN
CRIMINAL APPEAL NO.185 OF 2022**

- 1) Riyaj Ahemad Mohamad Yasin; and
- 2) Mohammad Matin Mohammad Yasin Mulla;
- 3) Mohammad Juber Ali Ahemad; and .. Applicants
- 4) Sayeed Ahemad Rajjab Ali /Appellants

Versus

State of Maharashtra .. Respondent

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Mr.Anil Kumar Patil with Ms.Sonal Rajput, Advocate for the Applicants/Appellants.

Mr.Ajay Patil, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 26, 2022.

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P.C. :

This is an application for suspension of sentence and grant of bail, pending criminal Appeal No.185 of 2022.

2 The applicants are convicted vide judgment and order dated 27th January, 2022, passed by learned Additional Sessions Judge Malegaon, for the offences under Sections 326 and 324 read with 34 of Indian Penal Code (“IPC”, for short). For the offence under

Section 326 read with 34 of IPC, the applicants are sentenced to suffer imprisonment of two years and to pay fine of Rs.10,000/-, each. For the conviction for the offence under Section 324 read with 34 of IPC, the applicants are sentenced to suffer imprisonment of one year and to pay fine of Rs.5000/-, each.

3 The fine has been deposited before the trial Court. The applicants were on bail during the trial. The applicants are senior citizens. The sentence of imprisonment has been suspended by the trial Court on the date of conviction. Learned counsel for the applicants submitted that there are serious discrepancies in the evidence before the trial Court. The applicants had not misused the facility of bail.

4 In view of the above, the case for suspension of sentence and grant of bail is made out.

:: ORDER ::

- (i) Interim Application No.630 of 2022, is allowed;
- (ii) The sentence of imprisonment imposed *vide* judgment and order dated 27th January, 2022, passed by learned Additional Sessions Judge Malegaon, in Sessions Case

No.93 of 2008, is suspended and the applicants are directed to be released on bail on executing P.R. Bond in the sum of Rs.15,000/-, each, with one or more sureties in the like amount;

- (iii) Applicants/appellants are permitted to furnish cash bail security in the sum of Rs.15,000/-, each, for a period of ten weeks, in lieu of surety;
- (iv) Applicants/appellants shall attend the trial Court once in six months on the first Saturday of the month, till final disposal of the Appeal;
- (v) In the event there are two consecutive defaults in attending the trial Court, the said fact may be brought to notice of this Court. In such eventuality, the prosecution is at liberty to move an application for cancellation of bail;
- (vi) Interim Application No.630 of 2022, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)