

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

**INTERIM APPLICATION NO. 2270 OF 2023
IN
CRIMINAL APPEAL NO. 715 OF 2023**

Sayyad Akil Sayyad Hanif @
Akil Chingya & Ors. ...Applicants
Versus
The State Of Maharashtra ...Respondent

Mr. Mahendra N. Sandhyanshiv, Advocate for Applicants.
Mrs. M. H. Mhatre, APP for the Respondent-State.

**CORAM : NITIN B. SURYAWANSHI, J.
DATE : 23rd OCTOBER 2023**

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PC.:

1. This application is filed for suspension of sentence of seven years imprisonment imposed on the applicants vide judgment and order dated 25th April 2023 by learned Additional Sessions Judge, Malegaon in Sessions Case No. 4 of 2011, under Sections 307, 333, 323, 504, 506 (2) read with 34 of the Indian Penal Code, 1860.

2. Perused the record. Appeal is already admitted and the sentence imposed on the applicants is a short term sentence. There are no criminal antecedents against the applicants. In the light of decision of the Apex Court in Bhagwam Rama Shinde Gosai And Ors Vs. State Of Gujarat (1999) SCC (Cri.)

553, and as no exceptional circumstances to refuse suspension of sentence are made out, application deserves to be allowed. Hence, the following order:-

- (i) Interim Application is allowed.
- (ii) Substantive sentence of imprisonment imposed on the applicants vide judgment and order dated 25th April 2023 passed by learned Additional Sessions Judge, Malegaon in Sessions Case No.4 of 2011 is suspended during the pendency of Appeal.
- (iii) Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs. 15,000/- each with one solvent surety in the like amount.
- (iv) Applicants shall deposit the fine amount, if not already deposited.
- (v) Applicants shall attend concerned Police Station once in a month on first Sunday between 10:00 a.m. to 12:00 noon.

(NITIN B. SURYAWANSHI, J.)