

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
INTERIM APPLICATION NO.3814 OF 2023**

**IN**

**CRIMINAL APPEAL NO.28 OF 2014**

Abdul Rehan Abdul Ajim Shaikh

... Appellant

/Applicant

/Accused No.6

V/s.

The State of Maharashtra

... Respondent

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Mr. Aniket Vagal a/w. Mr. Kunal Pednekar, Mr. Divesh Mehani  
and Ms Savvy Kolhekar for the Applicant.

Ms S.S. Kaushik, APP for the Respondent/ State.  
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**CORAM : NITIN W. SAMBRE &**

**N.R. BORKAR, JJ.**

**DATE : 31 OCTOBER 2023.**

**P.C.**

1] The applicant has preferred the above appeal against the judgment and order dated 29 November 2012 passed by the learned Additional Sessions Judge, Mumbai in Sessions Case No. 472 of 2010, by which the trial Court convicted the present applicant, who was accused No.6 before the trial Court, for the offences punishable under Sections 120-B, 347, 396, 449 read with 34 of the Indian Penal Code and Section 37(1) (a) read with 135 of the Bombay Police Act and sentenced him to suffer imprisonment for Life Imprisonment.

2] By this application under Section 389 of Code of Criminal Procedure the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the appeal.

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3] The only incriminating material against the applicant is that at the time of alleged incident, he was with the other accused. This Court has released the other similarly circumstanced co-accused.

5] Apart from above, the applicant has already undergone 13 years' imprisonment till date.

6] Having regard to the law laid down by the Apex Court in the matter of ***Sonadhar vs. State of Chhattisgarh***<sup>1</sup>, we deem it appropriate to allow the Application thereby directing to release the applicant - Abdul Rehan Abdul Ajim Shaikh by furnishing P.R. Bond of Rs.25,000/- with one or two sureties of like amount.

7] The applicant shall mark his presence before the concerned police station in first week of every alternate English calendar month after his release.

8] The Interim Application stands disposed of.

**(N.R. BORKAR, J.)**

**(NITIN W. SAMBRE, J.)**

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<sup>1</sup> 2022 LiveLaw (SC) 788