



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4407 OF 2023

IN

CRIMINAL APPEAL NO. 1155 OF 2023

Rukayyabi alias Shagupta Najim Pinjari

Age : 24 years, occu : Household,

R/o. Nhavi Pinjarwada, Taluka Yawal,

District Jalgaon.

... Applicant

Versus

The State of Maharashtra

Through its : PSO Faizpur Police Station.

... Respondent

.....

Mr. Abhishek C. Deshpande, Advocate for the Applicant.

Mr. S. M. Ganachari, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 01.03.2024

ORDER :

1. Heard.
2. Issue notice to the respondent-State. Learned APP waives notice.
3. This is an application for suspension of sentence and grant of bail on account of conviction recorded by learned trial court on 13.10.2023 in Sessions Case No. 6 of 2017 holding applicant guilty

for offence punishable under Sections 306, 498-A, 201 of the Indian Penal Code [IPC] and sentenced to suffer three years rigorous imprisonment.

4. Learned counsel for the applicant submitted that present applicant and others were chargesheeted for above charge and tried by learned Additional Sessions Judge, Bhusawal, who, after trial, convicted and sentenced applicant and others as spelt out in the operative part of the order. He pointed out that other accused, who have approached this Court by filing appeal, are already given benefit of suspension of sentence and grant of bail. He seeks similar treatment. He further pointed out that even like them, present applicant was on bail during trial. As much more time would be required to hear the appeal, he prays to suspend the sentence and grant bail.

5. Learned APP opposed on the ground that offence is serious.

6. After hearing above submissions and on going through the papers, it seems that trial was conducted for offences under Sections 306, 498-A, 201 of IPC and by judgment and order of conviction dated 13.10.2023, guilt is recorded for the said offences. Sentence

awarded for offence under Section 306 is rigorous imprisonment for three years. Learned APP does not dispute that applicant was on bail during trial. Further, copy of the order passed by this Court in respect of similarly situated co-accused Abid was called. His sentence is also suspended and he is already set at liberty. Therefore, present application also deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- I. The application is hereby allowed and substantive sentence of imprisonment imposed upon the applicant for the offences punishable under Sections 306, 498-A and 201 of IPC in Sessions Case No. 6 of 2017 under judgment and order dated 13.10.2023 passed by learned Additional Sessions Judge, Bhusawal, is hereby suspended during pendency of Criminal Appeal No. 1155 of 2023.
- II. Applicant be released on bail on execution of P. R. bond of Rs.25,000/- with one or more solvent sureties in the like amount.
- III. Bail before lower court.
- IV. Application is accordingly disposed of.

[ABHAY S. WAGHWASE, J.]