

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2512 OF 2023****IN****CRIMINAL APPEAL NO. 1609 OF 2019**

Salim @ Farid Shumsuddin Shaikh

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Rajesh Bhosle, Advocate appointed for the Applicant.

Mr. S.V. Gavand APP, for the Respondent-State.

Adv. Grishma Lad a/w Adv. Shruti Mishra & Adv. Priyanka Yadav for the Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 27th FEBRUARY, 2024.****P.C.:-**

1) This is an Application for suspension of sentence and releasing the Applicant, Original Accused No.1, on bail.

2) Heard Mr. Bhosle, learned Advocate appointed by Legal Aid Committee for the Applicant, Mr. Gavand, learned APP for the Respondent-State and Ms. Grishma Lad, learned Advocate for the Respondent No.2. Perused record.

3) Record indicates that, the Applicant has been attributed with the same and/or similar role as that of Accused No.3 in present crime.

3.1) The additional circumstance against the Applicant is of giving

an extra-judicial confession to PW No.7, which is *prima facie* is of no avail to the prosecution at least at this stage. While granting bail to the Accused No.3 by its Order dated 29th March, 2022, the co-ordinate bench has held that the said witness i.e. PW No.7 is not reliable.

4) Perusal of record indicates that, the observations made by the co-ordinate bench in its Order dated 29th March, 2022 are also applicable to the Applicant for his suspension of sentence and releasing him on bail during the pendency of the Appeal.

5) In view of the above, during the pendency of present Appeal, we are inclined to suspend the sentence and release the Applicant on bail.

6) Hence the following Order:-

ORDER

- i) Interim Application No. 2512 of 2023 is allowed.
- ii) During pendency and final disposal of Criminal Appeal No.1609 of 2019, the Applicant Salim @ Farid Shumsuddin Shaikh is directed to be released on bail on his executing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- iii) Interim Application is disposed off accordingly.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)