



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APPA) NO. 754 OF 2024

IN

CRIMINAL APPEAL NO. 427 OF 2024

Asrif Kha Azad Kha

Vs.

State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R. J. Shinde, Advocate for applicant.
Ms. Sneha Dhote, APP for non-applicant/State.

**CORAM :- SMT. M. S. JAWALKAR &
M. W. CHANDWANI, JJ.**

DATED :- 09.12.2024

Heard.

2. The present application is filed for suspension of substantive sentence and grant of bail. The case of the prosecution is that one Mehtab Khan Chand Khan, having three daughters, lodged the report. The applicant is son-in-law of Mehtab Khan. He brought his daughter namely Sajeda to his house as the applicant was harassing her. When family members were in the house, at that time, the applicant came to fetch Sajeda back to his house. However, she refused and asked for maintenance of the children. Upon which, the applicant pick a knife and stabbed Sajeda on her left side.

3. The applicant was on bail during the trial. There is no any incident of defying conditions of the bail. There is only one stab injury and it is also *prima facie* appears that there was quarrel between the deceased - Sajeda and the applicant. In view thereof, there is scope in the appeal that the applicant may be guilty of other offence having lessor punishment. As such, the applicant is entitled to be released on bail by suspending the substantive sentence during pendency of the appeal. Hence, following order:-

- i) The application is allowed.
- ii) The substantive sentence passed by the learned Additional Sessions Judge, Darwha, Dist. Yavatmal in Sessions Trial No. 71/2014, dated 12.07.2024 convicting the applicant having committed an offence under Section 302 of the Indian Penal Code and sentencing him for life imprisonment is hereby suspended during the pendency of the appeal.
- iii) Applicant- Aarif Kha Azad Kha be released on bail on furnishing a P.R. bond of Rs.50,000/- (Rs. Fifty Thousand) with one solvent surety in the like amount before the Trial Court.

(M. W. CHANDWANI, J.)

(SMT. M. S. JAWALKAR, J.)