

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

Interim Application No. 3869 of 2024

in

Criminal Appeal No. 1056 of 2024

Saddam Hussain Abdul Rajak @

Abdul Rehmat Shaikh

Age 30 years, R/o. Near Jama

Masjid, Shivaji Road, Shahad

Phatak, Ulhasnagar -1,

District – Thane.

... Applicant

versus

The State of Maharashtra

(Notice to be served upon A.P.P.

High Court, Appellate Side, Mumbai)

... Respondent

Mr Raju Suryawanshi, for the Applicant.

Mr Swapnil S Pednekar, APP, for respondent / State.

Mr Ammar Nizami, for the Orig. Complainant.

PSI D V Mali, Ulhasnagar Police Station, is present.

Coram: R.N. Laddha, J.

Date: 9 January 2025

P.C.:

. By the present application, the applicant who has filed an appeal calling in question conviction and sentence imposed upon him by the Additional Sessions Judge, Kalyan, in Sessions Case No. 334 of 2022, seeks suspension of sentence and release

on bail pending the adjudication of his appeal.

2. Heard the learned counsel for the applicant and the learned APP for the respondent / State.

3. The applicant faced trial in Sessions Case No. 334 of 2022 for committing offences punishable under Section 307, 326, 324, 323, 504, 506(2), and 337 of the Indian Penal Code.

4. The learned counsel for the applicant submits that P.W.2, who claims to have been injured in the incident, was not admitted in the hospital. The alleged injuries sustained by P.W.1 and informant were not on vital parts of their bodies. The applicant was arrested on 30 May 2022, and has been languishing in jail since then. The prosecution's witnesses' testimonies are inconsistent, and there is no evidence to support charge under Section 307 of the IPC are made out.

5. Considering the nature of accusations and the fact that the applicant has been incarcerated for over two years and seven months, along with his commitment to avoid the jurisdiction of the concerned police station and to refrain from contacting the complainant, this Court is inclined to suspend the applicant's sentence and grant him bail.

6. In light of the above, the substantive sentence imposed by the learned trial Court is hereby suspended and the applicant is enlarged on bail on executing a P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

7. Interim application stands disposed of accordingly.

(R.N. Laddha, J.)