

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1053 OF 2025
IN
APPEAL NO. 1314 OF 2013

Noor Aamad @ Mohmadnur Husen Subhedar ... Applicant

Versus

The State of Maharashtra & Ors. ... Respondents

WITH
APPEAL NO. 75 OF 2014

Rubina Zahir Patel & Anr. ... Applicants

Versus

The State of Maharashtra & Ors. ... Respondents

WITH
APPEAL NO. 1314 OF 2013

Noor Aamad @ Mohmadnur Husen Subhedar ... Applicant

Versus

The State of Maharashtra & Ors. ... Respondents

.....

Mr. Aabad Ponda i/b Mr. Nitin Karhale h/f Mr. Mandar Goswami for the Applicant.

Mr. Anand Shalgaonkar, APP for the Respondent-State.

CORAM : M. S. KARNIK AND
N. R. BORKAR, JJ.

DATED : 18th JUNE, 2025.

P.C. :

1. Heard learned Senior Advocate Mr. Ponda for the applicant and learned APP for the State.
2. The applicant has prayed for interim bail during the pendency of the

appeal. Brief facts of the matter are as under: -

The applicant is original accused No.1 in C.R. No. I-59 of 2012. The applicant was tried along with three other accused by the Court of Sessions, Raigad in Sessions Case No. 105 of 2012. The learned Additional Sessions Judge by an order dated 10.12.2013 convicted the present applicant for the offence punishable under Section 302 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for life and fine of Rs.25,000/-. The applicant thereafter filed the present Appeal No. 1314 of 2013. This Court vide order dated 22.01.2017 partly allowed the appeal and altered the conviction to Section 304 Part II of the IPC and sentenced the applicant to suffer R.I. for a period of six years and fine of Rs.50,000/-.

3. The complainant challenged the order passed by this Court before the Hon'ble Supreme Court. The Supreme Court vide order dated 06.02.2025 allowed the appeal. The reason for setting aside the order is that the Criminal Appeal No. 1314 of 2013 was decided separately and in fact there was earlier order of this Court that the appeal had to be heard along with Criminal Appeal filed by the complainant against the acquittal of other accused Nos.2 to 4.

4. In terms of the order passed by the Hon'ble Supreme Court, the applicant is present before the Court. The applicant has undergone period of six years imprisonment with remission.

5. Considering the overall facts and circumstances, we are inclined to

grant interim bail to the applicant during the pendency of the appeal. The applicant shall furnish P. R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount before the trial Court.

6. The Hon'ble Supreme Court has requested this Court to expedite the matter so that the appeals can be heard together. We, accordingly, list the appeals for final hearing on **05.08.2025**.

7. The Interim Application is disposed of.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)