



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

**CRIMINAL APPLICATION NO. 748 OF 2024**  
**IN CRIMINAL APPEAL NO. 459 OF 2023**

(Ishaq s/o Israil Sheikh (At present Central Jail, Nagpur) Vs. State of Maharashtra)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Mr. A.K. Bhangde, Counsel for the applicant/appellant.  
Mr. M.K. Pathan, A.P.P. for the non-applicant/respondent/State.

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**CORAM : ANIL L. PANSARE AND**  
**M.M. NERLIKAR, JJ.**  
**JULY 31, 2025**

Heard.

2] The applicant, who is the only accused left to be released on bail upon passing order of suspension of sentence, has filed the present application.

3] The applicant and three others have been convicted for the offences punishable under Sections 363 and 364A read with Section 34 of the Indian Penal Code, 1860 (for short "I.P.C."). As such, they were tried for the offences punishable under the provisions of the Maharashtra Control of Organised Crime Act, 1999, as well, however, the learned trial Court was pleased to acquit them under the said provisions.

4] The learned Counsel for the applicant has invited our attention to order dated 20/12/2023 passed by this Court in an application filed by the co-accused. Amongst various reasons, what appears to us, to suspend the sentence, is what this Court has noted in paragraph 6 of its order, which reads thus :

*“6. We have noted above that the question of identity of assailants is a matter for consideration. The arguable grounds have been raised. Besides that the applicant is in jail from near about 7 years. Though it is a case of kidnapping for ransom, neither money was paid nor victim sustained injury. The appeal will take its own time for disposal. Taking into account all above circumstances particularly the long incarceration, we are inclined to exercise our discretion. Hence, application is allowed.”*

5] Thus, arguable ground, amongst other, is identity of the accused. We were informed that the issue of identification is relevant because the accused persons were identified by the victim after a time span of seven months. Thus, there is arguable case on the point as regards identity of the accused. There are other grounds as well.

6] Considering the aforesaid reasons, for which the sentence of the co-accused was suspended, we find no reason why shouldn't same benefit be extended to the applicant, who is in jail for about nine years. Hence, following order :

#### **ORDER**

I] The sentence of conviction of the applicant in M.C.O.C. Case No. 12/2016, under Sections 363 and 364A read with Section 34 of the I.P.C., stands suspended.

II] The applicant, viz., Ishaq s/o Israil Sheikh, shall be released on bail on furnishing personal recognizance (P.R.) bond in the sum of Rs.50,000/- (rupees fifty thousand) with one or two sureties in the like amount.

III]           The applicant shall attend the concerned police station on first Wednesday of each month between 11:00 am to 2:00 pm.

IV]           The application is disposed of.

(JUDGE)

(JUDGE)

Sumit