

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.71 OF 2015

IN

CRIMINAL APPEAL NO.19 OF 2012

MATLUB AYUB QURESHI

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Shri Sandeep Singh, Advocate for the Applicant.

Smt.S.V.Gajare-Dhumal, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 13th OCTOBER 2015.

P.C. :

1 Heard Shri Sandeep Singh, the learned counsel for the applicant. Heard Smt.S.V.Gajare-Dhumal, the learned APP for the State. The applicant has been convicted of offences punishable under Section 120B of the IPC, Section 489B of the IPC and Section 489C of the IPC. He has been sentenced to suffer as follows :

OFFENCE	SENTENCE
Section 120B of the IPC	Rigorous Imprisonment for 1 year and to pay a fine of Rs.500/-, in default, to suffer Rigorous Imprisonment for 1 month
Section 489B of the IPC	Rigorous Imprisonment for 7 years and to pay a fine of Rs.10,000/-, in default, to suffer Rigorous Imprisonment for 1 year
Section 489C of the IPC	Rigorous Imprisonment for 5 years and to pay a fine of Rs.5,000/-, in default, to suffer Rigorous Imprisonment for 6 months

All the substantive sentences were directed to run concurrently.

2 The appeal filed by the applicant challenging his conviction and the sentences imposed upon him has already been admitted.

3 The applicant is in custody since 5th November 2011. I am informed that during the trial also, he was in custody for quite sometime. The applicant has, in any case, undergone more than

50% of the sentence of imprisonment imposed upon him. In the ordinary course, the appeal may not be taken up for final hearing within a short time.

4 A co-accused, Mohd.Arshad Mohd.Asgar Qureshi who was similarly convicted and sentenced in the same case, has also filed an Appeal i.e. Criminal Appeal No.21/12. During the pendency of his Appeal, the substantive sentences imposed him, have been suspended by this Court by an order dated 25th April 2013. (Criminal Application No.17/12 in Criminal Appeal No.21/12 (Coram Smt.Sadhana Jadhav, J). The case of the present applicant is similar to that of the said co-accused. Since the case of the applicant is on par with that of the co-accused Mohd.Arshad Mohd.Asgar Qureshi, it would be proper to pass a similar order in his favour also.

5 Under these circumstances, I am inclined to suspend the substantive sentences imposed upon the applicant and release him on bail, subject to certain condition.

6 The application is allowed.

Pending the hearing and final disposal of the appeal, the substantive sentences imposed upon the applicant shall stand suspended and the applicant shall be released on bail in the sum of Rs.50,000/-, with one surety in the like amount, or two sureties in the sum of Rs.25,000/- each, on the condition to report to the trial court on the first Monday of each English Calendar month, till the disposal of the appeal against him.

Should the trial Court be closed on any given Monday, on account of holiday, the applicant shall report to it on the next working day.

Any failure on the part of the applicant to report to the trial court, as directed above, shall forthwith be reported by the trial court to this court for further appropriate action.

(ABHAY M. THIPSAY, J.)

CERTIFICATE

***Certified to be true and correct copy of the original signed
Judgment/Order.***