

JPP

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

**CRIMINAL APPLICATION NO. 82 OF 2015
IN
CRIMINAL APPEAL ST. NO. 62 OF 2015**

Mohammad Shafi Samiulla Shaikh. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Mrs. Sonia Miskin, Appointed Advocate for the Applicant.
Mrs. Sangeeta D. Shinde, APP for the State.

**CORAM : P.V. HARDAS &
Dr. SHALINI PHANSALKAR-JOSHI, JJ.**

MARCH 17, 2015.

P.C. :-

This is an Application sent by the Applicant from Jail praying that he be released on bail pending the decision of the Appeal. Undisputedly, the Applicant was not on bail during trial and as per the Judgment of the Trial Court, the Applicant is in Jail since 10.4.2010.

2. With the assistance of the learned Counsel appointed for the Applicant, we have perused the findings recorded by the Trial Court. In the light of overwhelming evidence against the Applicant, in the nature of discovery of the stolen articles in huge quantity as well as the evidence

relating to the offence of conspiracy, we are not inclined to suspend the substantive sentence of imprisonment and release the Applicant on bail. However, the Applicant has undergone practically about 5 years of imprisonment, we expedite the hearing of the Appeal. We grant liberty to the Applicant to apply for a fixed date hearing of the Appeal after the paper-book is received.

3. Criminal Application No. 82 of 2015 is accordingly dismissed.

(DR.SHALINI PHANSALKAR-JOSHI, J.) (P.V. HARDAS, J.)