

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.778 OF 2014

IN

CRIMINAL APPEAL NO.331 OF 2015

SAMIUL HASIUDDIN SHAIKH

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Prakash Vare, Advocate for the Applicant.

Mr.Deepak Thakre, APP for the Respondent – State.

Mr.Rajendra Utekar, P.I., A.T.S.Nagpada Unit, Mumbai, present.

CORAM : ABHAY M. THIPSAY, J.

DATE : 24th MARCH 2015.

P.C. :

1 Heard Mr.Prakash Vare, the learned counsel for the
applicant. Heard Mr.Deepak Thakre, the learned APP for the
State.

2 The appeal filed by the applicant challenging his conviction and the sentences imposed upon him by the trial court has already been admitted. Registry has not been able to ascertain as to whether the other convicts in this case have filed any appeal. Atleast, the Office note does not show that the relevant information could be gathered by the Registry. The needful be done now.

3 Report from the Prison Administration has not been received as yet. However, Mr.Thakre submits, on instructions from the Investigating Officer that it is a fact that the applicant is in custody ever since the date of his arrest i.e. 12th January 2011.

4 Mr.Vare submits that the applicant has got a good case on merits. However, in the facts and circumstances of the case, I am not inclined to go deeper into that matter and examine the merits of the case against the applicant. Broadly it may be observed that, some points, which would need consideration, have been raised in the appeal. The applicant is in custody for a period

of more than four years. The substantive sentences imposed upon him are of Rigorous Imprisonment for 5 years. The appeal is not likely to be taken up for final hearing forthwith. No antecedents are reported.

5 Considering the period already spent by the applicant in custody and the fact that the appeal cannot be heard immediately, I am inclined to allow the application.

6 The application is allowed.

7 Pending the hearing and final disposal of the appeal, the substantive sentences imposed upon the applicant / appellant shall stand suspended and the applicant / appellant shall be released on bail in the sum of Rs.30,000/- with one surety in like amount, or two sureties in the sum of Rs.15,000/- each, on the condition that the applicant / appellant shall report to the trial court on the first Monday of each calendar month, till the disposal of the present appeal.

Should the trial court be closed on any given Monday, the applicant shall report to the trial court on the next working day.

8 The application is allowed in the aforesaid terms.

(ABHAY M. THIPSAY, J.)