

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1301 OF 2015

IN

CRIMINAL APPEAL NO.20 OF 2012

Shakir Ali Babu Siddiqui ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mrs.Anjali Patil Advocate for the Applicant.

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

CORAM : ABHAY M. THIPSAY, J.

DATE : 17th OCTOBER 2015.

P.C. :

1 Heard Mrs.Anjali Patil, the learned counsel for the applicant. Heard Mr.Deepak Thakre, 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 5/11/2011. 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 As a matter of fact, another co-accused Matlub Ayub Qureshi whose case is also similar to the present applicant and to that of the said co-accused i.e. Mohamed Arshad Mohamed Asgar Qureshi, has also been released on bail by this Court (Criminal Application No.71/15 in Criminal Appeal No.19/12 decided on 13/10/2015). The case of the applicant cannot be said to be different from that of the co-accused Mohamed Arshad Mohamed Asgar Qureshi. Under the circumstances, the Application is allowed.

6 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.

7 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.

8 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.***