

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 354 OF 2016
IN
CRIMINAL APPEAL NO. 199 OF 2016

Karim Abdul Shaikh Vs. The State of Maharashtra

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

Court's or Judge's orders

Mr. Neville Deboo i/b A.B. Bhoir for applicant.
Ms. P.P. Bhosale, APP for State.

CORAM : A.S. GADKARI, J.
DATE : 20th July 2016.

P.C.:

- 1) Heard the learned counsel for the applicant and the learned APP.
- 2) This is an application for suspension of sentence and releasing the applicant on bail.
- 3) The applicant is convicted under Section 489(B) and 489 (C) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for five years and to pay fine by the Additional Sessions Judge, Greater Mumbai in Sessions Case No.872 of 2013 by its Judgment and Order dated 24th February 2016.
- 4) The learned counsel for the applicant submitted that applicant was arrested on 24.6.2013 and till date he is in jail. He submitted that the applicant has undergone 60% of the substantive sentence and therefore the

applicant may be released on bail. He further submitted that if the applicant is released on bail he will abide by all conditions imposed upon him.

5) Per contra, the learned APP vehemently opposed the application on the ground that the applicant is also involved in another similar type of offence registered with Dongri Police Station vide CR No.86 of 2013 under Sections 420, 489 (a) and 489 (b) read with 34 of Indian Penal Code. The learned APP on instructions submitted that if the applicant is released on bail, there is every probability that he may indulge in similar type of offences.

6) After taking into consideration the fact that substantial quantity of fake counterfeit currency notes were seized at the instance of the applicant and that at the discredit of applicant there are antecedents of similar type of offences, in my considered view, the applicant is not entitled for bail.

7) The application is therefore dismissed.

8) Since the applicant is in jail since 24.6.2013, the appeal be listed on final hearing board in the week commencing from 1st August 2016 as per its own turn.

(A.S. GADKARI, J.)