

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 432 OF 2016
IN
CRIMINAL APPEAL NO. 247 OF 2016

Adilshaha Mainuddin Shaikh. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Rupesh Zade h/f. Mr. Vikas Shivarkar, advocate for Applicant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : APRIL 6, 2016

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State.

2 This is an application under Section 389 of the Code of Criminal
Procedure, 1973 seeking suspension of substantive sentence. The
applicant herein is convicted for the offence punishable under Section
324 and 504 of Indian Penal Code and sentenced to suffer S.I. for one
year and to pay fine of Rs. 1000/- I.d. to suffer R.I. for one month for
offence punishable under Section 324 of the Indian Penal Code and
sentenced to suffer R.I. for one month and to pay fine of Rs. 500/- I.d.

to suffer R.I. for 8 days for offence punishable under Section 504 of the Indian Penal Code by the Additional Sessions Judge, Pune in Sessions Case No. 727 of 2014 vide Judgment and Order dated 20/2/2016.

3 The learned Counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any condition imposed upon him. The sentence imposed upon the applicant is a short term sentence and it is not likely that appeal would be taken up for final hearing in the near future. Hence, the applicant deserves to be enlarged on bail on imposing certain conditions.

4 Hence the following order :

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail fresh bond.

(iii) The applicant shall furnish fresh bail bonds within 3 weeks from today. Upon failure to furnish fresh bail bonds within 3 weeks from today, the learned Sessions Judge shall issue non-bailable warrant against the appellant calling upon him to serve the rest of the sentence.

(iv) The applicant shall report the Court of Sessions, Pune once in 6 months on the date specified by the concerned Court. Upon failure to attend on two consecutive dates by the applicant, the prosecution is at liberty to move for cancellation of bail.

(v) The applicant shall furnish his residential address and his contact numbers such as cell phone numbers, landline numbers etc. to the concerned Court.

5 The Application is disposed of on the above terms.

(SMT. SADHANA S. JADHAV,J)