

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1360 OF 2016

IN

CRIMINAL APPEAL NO.715 OF 2016

FAHEEM HUSSAIN TAMBE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Uday P. Warunjikar, Advocate for the Applicant.

Mr.P.H.Gaikwad-Patil, APP for the Respondent - State.

CORAM : A. M. BADAR

DATE : 18th NOVEMBER 2016.

P.C. :

1 This is an application for suspension of sentence and release of the applicant / accused on bail during the pendency of the appeal.

2 The applicant /accused is convicted of the offence punishable under Section 306 of the IPC and he is sentenced to suffer rigorous imprisonment for 5 years and to pay fine of

Rs.25,000/-, in default, to undergo further simple imprisonment for 6 months. The applicant / accused has already deposited the fine amount in the trial court.

3 Short sentence is imposed upon the applicant / accused for the offence punishable under Section 306 of the IPC. There is nothing on record to suggest that the applicant would not be available at the time of hearing of the appeal or that he would protract the hearing of the appeal. The appeal will take its own time for hearing and therefore there is no propriety in keeping the applicant behind the bar. As such, the following order :

- i) The application is allowed.
- ii) The substantive sentence of imprisonment imposed upon the applicant / accused is suspended during pendency of the appeal and the applicant is directed to be released on same bail with fresh bond.

4 The application is disposed of accordingly.

(A. M. BADAR, J.)