

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 1535 OF 2017
IN
CRIMINAL APPEAL NO. 917 OF 2017**

Mabiyakhathun @ Maya Mabud Shaikh	Applicant
Versus	
The State of Maharashtra	Respondent

Mr. Kuldeep U. Nikam for the applicant.
Mr. V.V. Gangurde, APP for the State.

***CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 20th NOVEMBER, 2017***

P.C. :

1. The applicant herein was an accused in Sessions Case No. 222 of 2015 on the file of District Judge-5 and Special Judge, Sangli. By this application, the applicant herein has sought suspension of execution of substantive sentence vide judgment dated 22nd September, 2017 in the said case and has prayed for release on bail.

2. The applicant has been convicted for offence under Section 3 of the Immoral Traffic (Prevention) Act and sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs.500/- in default to undergo rigorous imprisonment for one month. The applicant is also convicted for offence punishable under Section 4 of the Immoral Traffic (Prevention) Act and sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.500/- in

default to undergo rigorous imprisonment for one month.

3. The records reveal that the applicant has been sentenced to undergo short term imprisonment of maximum period of two years. The appeal is of the year 2017 and is not likely to come up for final hearing in the next couple of years due to large pendency of old cases. Hence, rejection of the application will result in the applicant undergoing the sentence of imprisonment even before the appeal is heard on merits.

4. The applicant was on bail during the pendency of the Sessions Case No. 222 of 2015. There is nothing on record to indicate that the applicant has violated the terms and conditions of the order.

5. Considering the aforesaid facts, as well as the nature of charge and evidence in support thereof, in my considered view, this is a fit case to suspend the execution of sentence pending the disposal of the appeal on merits. Hence, the order :-

(i) The Criminal Application No.1535 of 2017 is allowed.

(ii) The execution of sentence imposed in Sessions Case No. 222 of 2015 vide judgment dated 22nd September, 2017 is suspended till disposal of the appeal on merits, subject to the applicant furnishing fresh bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two solvent sureties in the like amount, to the satisfaction of District Judge-5 and Special Judge, Sangli.

(iii). The applicant shall not interfere with the victim girl in any manner.

(iv). The applicant shall furnish his permanent as well as temporary address and his contact number and shall intimate change of address and contact number, if any, to the Investigating Officer, as well as to the concerned Court.

(v). The applicant shall be released from jail provided he is not custody in any other crime or case.

(SMT. ANUJA PRABHUDESSAI, J.)