

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1255 OF 2018

IN

CRIMINAL APPEAL NO.1178 OF 2018

Shanur Hazisab Shaikh

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Sachin B. Chandan, Advocate for the Applicant.

Mrs. M.R. Tidke, APP for the Respondent/State.

CORAM : A.M.BADAR, J.

DATED : 26th OCTOBER 2018.

P.C. :

1. This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him.
2. The applicant/accused is convicted of the offence punishable under Sections 376 read with Section 511 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for five years apart from directing him to pay fine of Rs.50,000/- and

in default to undergo rigorous imprisonment for three months. Similarly, he is also convicted for the offence punishable under Section 506 and is sentenced to suffer rigorous imprisonment for two years apart from direction to pay fine of Rs.5000/- and in default to undergo rigorous imprisonment for one month.

3. Heard the learned counsel appearing for the applicant/accused. He argued that the applicant/accused is behind the bars from August 2016 and short sentence of imprisonment for five years is imposed on him. He, therefore, needs to be released on bail.

4. I have considered the submissions so advanced and perused the material placed on record. The applicant/accused was caught red-handed while attempting to commit rape on the prosecutrix. Upon hearing shouts of the prosecutrix, villagers rushed on the spot and separated the applicants/accused from the prosecutrix. Considering this manner in which the crime was committed, I am of the considered opinion that this is not a fit case to release the applicant/accused on bail after he was found guilty of the offence punishable under Section 376 read with Section 511 of the Indian

Penal Code and under Section 506 thereof by the learned trial Court. Therefore the order;

- : ORDER : -

- (i) The application is rejected.
- (ii) However, hearing of the appeal is expedited.
- (iii) It be listed for final hearing on receipt of Record and Proceeding.

(A.M.BADAR J.)