

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

**CRIMINAL APPLICATION NO.222 OF 2018
IN
CRIMINAL APPEAL NO.148 OF 2018**

Asarar Ahmad Abdul Hameed

Tailor & Sagari

V/s.

The State of Maharashtra

... Applicant

... Respondent

Mr. Khan Abdul Wahab for the Applicant.

Ms. R.M. Gadhvi, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 19th MARCH, 2018

P.C.:

1. This is an application for suspension of sentence and for releasing the applicant on bail.

2. The applicant is original Accused No.2. The applicant is convicted under Section 489(C) of Indian Penal Code and sentence to suffer rigorous imprisonment for six years and to pay a fine of Rs.10,000/-, in default of payment of fine to further suffer simple imprisonment for six months, by the learned Additional Sessions Judge, Bombay in Sessions Case No.873/2011 by its Judgment and Order dated 07.02.2018.

3. The learned counsel for the applicant submitted that, the offence as contemplated under Section 489(C) is a cognizable but bailable offence and

is triable by the Sessions Court as enumerated in the Schedule I of the Cr.P.C. He submitted that, during the pendency of the trial, the applicant was on bail and did not breach any of the conditions imposed upon him by the Trial Court. He further submitted that, the applicant has already deposited the fine amount in the Registry of the Trial Court.

4. As the maximum a sentence imposed upon the applicant is six years and the possibility of appeal being heard on merits in near further is remote, I am inclined to release the applicant on bail.

Hence, the following order.

(a) The applicant be released on bail in Sessions Case No.873/2011 arising out of C.R.No.31 of 2011 registered with ATS Police Station, Pune on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(b) During the pendency of the appeal, the applicant shall mark his presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00 p.m. If the said Monday is Court holiday/public holiday, the applicant shall mark his presence on immediate next date.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)