

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 788 OF 2018

IN

CRIMINAL APPEAL NO. 558 OF 2018

Shahid Ahmed Javeed Ahmed vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. M.N.Sandhyanshiv for the Applicant.

Mr. Prashant Jadhav, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 22nd May, 2018

P.C.

1. This is an application for suspension of substantive sentence and releasing the applicant on bail in Sessions Case No.184/2016.

2. Heard Shri. Sandhyanshiv, learned counsel for the applicant and the learned APP for the State.

3. The applicant is convicted under Section 384 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for two years and to pay a fine of Rs.25,000/-, in default of payment of fine to further under go rigorous imprisonment for six months and under Section 66(e) of Information and Techonoogy Act and is sentenced to under go

rigorous imprisonment for one year and to pay a fine of Rs. 25,000/- in default to suffer simple imprisonment for three months by the learned Additional Sessions Judge, Malegaon in Sessions Case No.184/2016 by its Judgment and Order dated 2.5.2018.

3. The learned counsel for the applicant submitted that the applicant is in custody since 9.9.2016 and has undergone 19 months of actual imprisonment out of 24 months of actual sentence. As the applicant has already undergone 3/4th of the sentence imposed upon him and the possibility of appeal being heard on merits in near future is remote, I am inclined to suspend the substantive sentence and to release the applicant on bail.

Hence, the following order.

- a) During the pendency of the present appeal, the substantive sentence imposed upon the applicant is suspended.
- b) During the pendency of the appeal, the applicant be released on bail in Sessions Case No. 184 of 2016 on his furnishing PR bond of Rs.25,000/-with one or two solvent local sureties in the like amount.
- c) During the pendency of appeal, the applicant shall mark his presence before the Trial Court on every first Monday of the

month between 11.00 a.m. to 2.00p.m. If the said first Monday is Court holiday/public holiday the applicant shall mark his presence on immediate next day.

d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)