

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.1576 OF 2017
IN
CRIMINAL APPEAL NO.712 OF 2017**

Juber Nasir Qureshi ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Ms.Nasreen S. K. Ayubi for the applicant.

Mr.S.V. Gavand, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 27th FEBRUARY 2018.

P.C. :

1. This is an application for suspension of sentence and releasing the applicant/accused on bail during the pendency of the appeal filed by him. The applicant / accused is convicted of offences punishable under sections 452, 392 read with 397 of IPC and sentenced to suffer Rigorous Imprisonment for 7 years apart from payment of some fine.

2. Heard Ms. Ayubi learned Advocate appearing for the applicant / accused. She argued that there is delay in lodging the FIR and considering the sentence of 7 years, the applicant/accused is entitled for bail.

3. The learned APP opposed the application.

4. I have carefully considered the rival submissions and also perused the copies of the depositions of prosecution witnesses.

5. Evidence of PW1 Premnath Shetty, PW3 Anil Gupta and PW4 Shailesh Chavan is consistent and they all, in unison have disclosed that on 12th February, 2015 the applicant / accused armed with chopper entered into lottery shop, pulled down the shutter and kicked the owner and looted the shop. Evidence of PW3 Anil Gupta makes it clear that the applicant / accused is the terror in the locality and therefore the victim was not willing to lodge the report.

6. Considering the nature of offence and the circumstances in which it was committed, I am not inclined to grant him bail and the application is, therefore, rejected.

However, hearing of the appeal is expedited. The appeal be included in the list of final hearing as per its turn.

(A.M.BADAR J.)