

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

**CRIMINAL APPLICATION NO.545 OF 2018
IN
CRIMINAL WRIT PETITION NO.5342 OF 2018**

Nisar Khan @ Bagga Nisar Khan ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Moin Khan i/b Anjali Awasthi for the Applicant
Mr.A.R. Patil, APP, for the Respondent – State

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: DECEMBER 18, 2018**

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The applicant/accused is convicted under section 326 r/w section 34 of the Indian Penal Code by judgment and order dated 17.12.2012 by learned Metropolitan Magistrate, 29th Court, Dadar, Mumbai in C.C. No.576/PW/2012 and sentenced to suffer R.I. for 2 years and pay a fine of Rs.2,000/- and in default to suffer S.I. for one month. The said judgment and order was confirmed by the learned Additional Sessions Judge, Greater Mumbai on 2.11.2018 in Criminal Appeal No.5 of 2013. The learned Counsel for the applicant submits that on the same day, the applicant was taken in

custody and hence, this Revision and the application for bail and suspension of the impugned sentence.

3. The learned Counsel for the applicant submits that the applicant/accused was on bail throughout the trial and throughout the appeal period. He has a good case on merits and the Revision application may not come up for hearing in near future and hence, he prays for bail and suspension of sentence pending revision.

4. Learned Prosecutor submits to the orders of the Court.

5. In view of the submissions of the learned Counsel and considering the nature of the offence and the sentence passed, I allow this Criminal Application on the following terms:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- ii) The impugned sentence dated 17.12.2012 passed by the learned Metropolitan Magistrate, 29th Court, Dadar, Mumbai in C.C. No.576/PW/2012 is suspended pending the hearing of the Revision application;

ii) The applicant/accused shall make himself available at the all the dates of hearing in the Court.

6. Criminal application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)