

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.131 OF 2019

IN

CRIMINAL APPEAL NO.130 OF 2019

Aasif Iqbal Shaikh

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. Dilip Shukla, Advocate for the Applicant.

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

CORAM : A.M.BADAR J.

DATED : 11th FEBRUARY 2019

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. The applicant/accused is convicted of the offence punishable under Section 354 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for one year apart from direction to pay fine of Rs.2000/- and in default, to undergo simple imprisonment for one month.

2. Heard the learned Counsel appearing for the applicant/accused. He argued that though PW-3 Aman is declared hostile, his evidence is supporting the defence that there was quarrel between him and his friend and no such incident as alleged by the prosecution took place.

3. The learned APP opposed the application.

4. The applicant/accused is convicted for the offence punishable under Section 354 of the Indian Penal Code, for which he is sentenced to suffer rigorous imprisonment for one year. He was on bail during pendency of the trial. He has not misused his liberty. The appeal filed by him may not be heard within a period of one year. Hence, the order.

ORDER

(i) The application is allowed.

(ii) The substantive sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to be released on bail on his executing P. R.

Bond of Rs.15,000/- and on furnishing surety in the like amount.

(iii) As a condition of this order, the applicant/accused should not contact the alleged victim of the crime in question or her relatives in any manner.

(iv) As a condition of this order, the applicant/accused should not repeat commission of similar offences in future.

(v) The application is disposed of accordingly.

(A.M.BADAR J.)