

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

**CRIMINAL APPLICATION NO.1221 OF 2019
IN
CRIMINAL APPEAL NO. 1267 OF 2018**

Manish @ Mohd. Anwar Habibul Shaikh and ...Applicants
anr.

Versus

The State of Maharashtra ...Respondent

Mr.Vinod Kashid for the applicants.
Mr.A.S.Patil, APP for the respondent-State.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 26th JULY 2019.

P.C. :

The applicants have been charged with the offence under Sections 489 (b), 489 (c), and 120B read with 34 of IPC. On trial, they were convicted, among other things, to 10 years' rigorous imprisonment. Now, they have come up with this application to have their sentence suspended, so they could be enlarged on bail.

2. Heard Shri Kashid for the applicants and Shri Patil, APP, for the respondent-State.

3. As the record reveals, the applicants were arrested on 14th August

2014, and had been in jail throughout the trial. After the judgment was rendered on 28th September 2018, the applicants continued to serve the sentence. Thus, the applicants are completing 50% of the sentence by the next month.

4. On the other hand, the learned APP submitted that the applicants are from west Bengal, they should provide local sureties and attendance once in a month. The applicants' counsel agrees for this proposal.

5. Under these circumstances, I suspend the sentence and enlarge the applicants on bail subject to these conditions:

ORDER

- (i) Criminal Application is allowed.
- (ii) Substantive sentence imposed on the applicants is suspended and they are directed to be released on bail on their executing P.R. Bond for Rs.20,000/- each and on their furnishing two local sureties, each for the like amount.
- (iii) The applicants should not influence or threaten the witnesses in any manner, nor should they abuse the process.
- (iv) The applicants' failure to abide by these conditions will entail the prosecution to apply for cancellation of bail granted to the applicants.

(v) Criminal Application stands disposed of.

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[DAMA SESHADRI NAIDU, J.]