IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1297 OF 2019
IN
CRIMINAL APPEAL NO.1054 OF 2019

Raju Makhadamu Shaikh .... Applicant

Vs.

The State of Maharashtra .... Respondent

Mr. Murtaza Najmi i/by Mr. Avinash S. Ovhal for the Applicant.
Mr. Y.M. Nakhwa, APP for State

Coram : Smt. Sadhana S. Jadhav, J.
Date : 7th August 2019

P.C.:

1. Heard the respective counsel.

2. This is an application under Section 389 Code of Criminal Procedure seeking suspension of substantive sentence. The applicant herein is convicted by the Additional Sessions Judge, Raigad-Alibag, in Sessions Case No.28 of 2012, for the offence punishable under Section 323 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and

a fine of Rs.1,000/-, in default to suffer simple imprisonment for one month vide judgment and order dated 12th July 2019.

3. Learned counsel for the applicant submits that the applicant was on bail during pendency of the trial and has not committed breach of any conditions imposed upon him. In any case, it is a short term sentence and the same is suspended by the learned Sessions Judge to enable the applicant to file an appeal. In view of this, the applicant deserves the bail during pendency of the appeal. Hence, the following order.

O R D E R

i) The application is allowed and stands disposed of.

ii) The substantive sentence imposed upon the applicant vide judgment and order dated 12th July 2019 is hereby suspended.

iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

iv) The applicant shall mark his presence before the learned Additional Sessions Judge, Raigad-Alibag once in six months on the date assigned by the Sessions Judge.

v) Upon failure to attend any two consecutive dates, the Sessions Court shall report the same to the High Court and the

prosecution would be at liberty to file an application seeking cancellation of bail.

(*Smt. Sadhana S. Jadhav*, J)