

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

**CRIMINAL APPLICATION NO.1408 OF 2019
IN
CRIMINAL APPEAL NO.1145 OF 2019**

Faijan Eqbal Patel Applicant

Vs.

The State of Maharashtra Respondent

Mr. Manish Bohra a/w Mr. Advait Shukla for the Applicant.

Mr. S.S. Pednekar, APP for State.

**Coram : Smt. Sadhana S. Jadhav, J.
Date : 28th 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 imposed upon the applicant. 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 324 read with 34 of

Indian Penal Code. The applicant is sentenced to suffer rigorous imprisonment for three years and a fine of Rs.3,000/-, and in default 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 the pendency of the trial and has not committed breach of any conditions imposed upon him. It is also submitted that the applicant has been sentenced to a short term sentence and that there is no possibility of the appeal being finally heard in the near future. Hence, the applicant is entitled to the extension of same relief during pendency of the appeal. Hence, the following order :

ORDER

- i) The application is allowed and 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 Court of Additional Sessions Judge, Raigad-Alibag once in six months on the date assigned by the Sessions Judge. Upon failure to attend any two consecutive dates, the learned Sessions Court shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

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