

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

CRIMINAL INTERIM APPLICATION NO.518 OF 2021
IN
CRIMINAL APPEAL NO.146 OF 2021

Moinuddin Mehaboob Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. F. N. Momin i/b Mr. Gautam J. Jain, for the Applicant.

Mr. S. V. Gavand, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 1st MARCH, 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.
3. The applicant vide Judgment and Order dated 6th February, 2021, passed by learned District Judge – 6 and Additional Sessions Judge, Thane, in Spl. MSEB Case No. 83 of 2008, has been convicted and

sentenced as under:-

- for the offence punishable under Section 135 of the Electricity Act, to suffer rigorous imprisonment for 2 years and to pay fine of Rs.19,00,000/- in default of payment of fine, to undergo simple imprisonment for 6 months ;
- On realization of the entire fine amount, an amount of Rs.12,60,000/- was directed to be paid to the complainant's power distribution company.

4. Perused the papers. The Appeal has been admitted by this Court vide order dated 16th February, 2021 and the same is not likely to come up for the hearing in the immediate near future. The applicant was on bail pending trial and has not abused or misused the liberty granted to him. The sentence awarded is a short term sentence.

5. Since the prayer is only for suspension of sentence and enlargement on bail, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

ii) The Applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his Appeal is finally disposed of;

iii) The Applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.