

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1218 OF 2021
IN
CRIMINAL APPEAL NO. 344 OF 2021

Ayyub Gani Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Misbaah Solkar a/w Mr. Pratik Karande for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.
DATE : 7th MAY, 2021
(Through Video Conferencing)

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 his appeal.

3. The applicant, vide judgment and order dated 26/02/2021

passed by the learned Additional Sessions Judge, Nashik in Sessions Case No.272 of 2018, has been convicted and sentenced as under :-

- for the offence punishable under Section 307 of the Indian Penal Code to suffer rigorous imprisonment for 4 years and to pay fine of Rs.1,000/-, in default to undergo further simple imprisonment for 3 months;
- for the offence punishable under Section 506 of the Indian Penal Code to suffer rigorous imprisonment for 2 years and to pay fine of Rs.500/-, in default, to undergo further simple imprisonment for 1 month;
- for the offence punishable under Section 37(1)(3) punishable under Section 135 of the Maharashtra Police Act, to suffer rigorous imprisonment for 6 months and to pay fine of Rs.500/-, in default, to undergo further simple imprisonment for 1 month;

The applicant was acquitted of the offence punishable under Section 504 of the Indian Penal Code.

All the substantive sentences were directed to run concurrently.

4. It appears that the applicant was on bail, pending trial and that

he has not abused or misused the liberty granted to him. The applicant also has no antecedents. The sentence awarded is a short term sentence. The appeal has been admitted by a separate order passed today in the aforesaid appeal. The same is not likely to be heard in the immediate near future.

5. Considering the aforesaid, 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 released on cash bail in the sum of Rs.20,000/-, for a period of eight weeks;
- ii) The applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount;
- iii) The applicant shall report to the trial Court, once in six months on the day/date specified by the trial Court, till his appeal is finally disposed of;

iv) 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;

v) 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 accordingly disposed of.

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

REVATI MOHITE DERE, J.