

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 1534 OF 2021
IN
CRIMINAL APPEAL NO. 495 OF 2021

Malik Saidul Shaikh @ Pachu	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Vinod Kashid, for the Applicant.

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 18th JUNE, 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 alongwith other co-accused, vide judgment and order dated 19/03/2021 passed by the learned Additional Sessions Judge,

Greater Mumbai, in Sessions Case No.712 of 2014, has been convicted and sentenced as under :-

- for the offence punishable under Section 489-B of the Indian Penal Code to suffer rigorous imprisonment for 10 years and to pay fine of Rs.10,000/- each, in default to undergo further rigorous imprisonment for 1 year;
- for the offence punishable under Section 489-C of the Indian Penal Code to suffer rigorous imprisonment for 7 years and to pay fine of Rs.5,000/- each, in default, to undergo further rigorous imprisonment for 6 months;
- for the offence punishable under Section 489-E of the Indian Penal Code, to pay fine of Rs.100/- each, in default, to undergo further simple imprisonment for 3 days;
- for the offence punishable under Section 120-B of the Indian Penal Code to suffer rigorous imprisonment for 10 years and to pay fine of Rs.10,000/- each, in default to undergo further rigorous imprisonment for 1 year;
- The applicant was acquitted of the offence punishable under Sections 15(1)(iii)(a) punishable under Section 16 of the Unlawful Activities (Prevention) Act and Section 18 of the Unlawful Activities (Prevention) Act.

All the substantive sentences were directed to run concurrently.

4. Learned Counsel for the applicant submits that the applicant has been in custody since June, 2014 for about 7 years. He submits that the applicant has already undergone 3/4th of the sentence. He submits that apart from the aforesaid offence, the applicant has no other antecedents. He submits that considering the fact that the applicant has undergone 3/4th of the sentence awarded by the Trial Court for the offences punishable under Sections 489-B, 489-C and 489-E of the Indian Penal Code, the applicant be enlarged on bail. He submits that similarly placed co-accused in the aforesaid case, have been enlarged on bail by this Court and their sentences have been suspended.

5. Learned APP does not dispute the aforesaid.

6. Having regard to what is stated aforesaid, that the applicant has undergone more than 3/4th of the sentence awarded to him, 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.20,000/- with one or two sureties in the like amount;

ii) The applicant shall report to the trial Court, once in four 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.

. The application is accordingly disposed of.

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

REVATI MOHITE DERE, J.