

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

**INTERIM APPLICATION NO. 1676 OF 2021
WITH
INTERIM APPLICATION NO. 1675 OF 2021
IN
CRIMINAL APPEAL NO. 530 OF 2021**

Mr. Asarul Nazir Hussein Shaikh Applicant
v/s.
The State of Maharashtra Respondent

Mr. Priyatosh Tiwari i/b. Mr. Ashok M. Saraogi for the Applicant.
Mr. S.V. Gavand, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 15th JULY, 2021.

P. C. :-

. These are Applications under Section 389 of Cr.P.C. filed by the aforesaid Applicant praying for suspension of substantive sentence imposed by judgment dated 19/03/2021 passed by learned Additional Sessions Judge, City Civil and Sessions Court, for Greater Bombay in Sessions Case No.712/2014 and enlarge the Applicant on bail.

2. The Applicant who was accused no.5 in Sessions Case No.712/2014 has been convicted for offences punishable under Sections 489-B, 489-C, 489-E and 120-B of the Indian Penal Code (IPC)

and sentenced as under :-

(i) to undergo rigorous imprisonment for a period of ten years and to pay fine of Rs.10,000/- in default to undergo rigorous imprisonment for one year for an offence punishable under Section 489-B of IPC ;

(ii) to undergo rigorous imprisonment for a period of seven years and to pay fine of Rs.5,000/- in default to undergo rigorous imprisonment for six months for an offence punishable under Section 489-C of IPC ;

(iii) to pay fine of Rs.100/- each in default, three days simple imprisonment for an offence punishable under Section 489-E of IPC ;

(iv) to undergo rigorous imprisonment for a period of ten years and to pay fine of Rs.10,000/- in default to undergo rigorous imprisonment for one year for an offence punishable under Section 120-B of IPC.

(v) The Applicant and the other co-accused have been

acquitted for offences under Sections 15 (1) (iii) (a) punishable under Section 16 of the UAP Act and Section 18 of the UAP Act.

(vi) The sentences of imprisonment are ordered to run concurrently.

3. A perusal of the impugned judgment clearly indicates that the Applicant is in custody since 04/07/2014. He has undergone 3/4th of sentence awarded by the Trial Court. Considering this fact and that the final disposal of the Appeal is likely to take time, in my considered view, this is a fit case for suspension of sentence pending hearing of the Appeal and enlarge the Applicant on bail.

4. Hence, the Interim Applications are allowed on following terms and conditions :-

(a) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with one or two sureties in the like amount to the satisfaction of the Trial Court ;

(b) The Applicant shall report to the Trial Court, once in four months on the day/date specified by the Trial Court, till the Appeal is finally

disposed of ;

(c) The Applicant shall keep the Trial Court informed of his current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time ;

(d) 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.

5. The Interim Application Nos.1676/2021 and 1675/2021 stand disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)

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