

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1009 OF 2022

IN

CRIMINAL APPEAL NO. 303 OF 2022

Aasim @ Chinya Yunus Shaikh

... Applicant/Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Satyavrat Joshi for Applicant/Appellant.

Ms. Sharmila Kaushik, A.P.P. for Respondent No.1-State.

Mr. Prashant Bhavake for Respondent No.2.

CORAM : A.S. GADKARI, J.

DATE : 12th July 2022.

PC. :

1. This is an application for suspension of sentence and releasing the Applicant on bail.

2. Applicant has been convicted under Section 307 of the Indian Penal Code (for short, 'I.P.C.') and is sentenced to suffer rigorous imprisonment for 7 years and to pay a fine of Rs.25,000/- by the learned Additional Sessions Judge, Kolhapur in Sessions Case No. 138 of 2015 by its Judgment and Order dated 3rd March 2022.

3. Mr.Joshi, learned Advocate for Applicant submitted that, the Applicant was on bail during the pendency of trial and there is no report of

breach of any of the conditions imposed upon him. He submitted that, the Applicant has already deposited entire fine amount in the Registry of the Trial Court.

4. Perusal of record indicates that, there was earlier enmity between the Appellant and injured, namely, Mahesh Ingawale (PW-1) and due to the same, on the date and time of incident, Appellant assaulted Mahesh with a knife. Perusal of medical evidence reveals that, Appellant had given one single blow on the stomach of Mahesh. That, Appellant was on bail during the pendency of trial and there is no report of breach of any of the conditions imposed upon him.

5. The sentence imposed upon the Applicant is 7 years of rigorous imprisonment. Possibility of hearing the present Appeal on its own merits in near future is remote. In view thereof, during the pendency of present appeal substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

6. Hence, the following Order :-

- (i) Applicant/Accused be released on bail in Sessions Case No. 138 of 2015 on his furnishing PR. bond of Rs.50,000/- with one or two separate solvent local sureties in the like amount.

- (ii) After his release from jail and till final disposal of present Appeal, Applicant is directed to attend Laxmipuri Police Station, District Kolhapur on every first Monday of the month initially for a period of 1 year and thereafter on every first Monday of every 3rd month, i.e. 4 times in a year.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]