

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1853 OF 2022****IN****CRIMINAL APPEAL NO. 203 OF 2020**

Riyaz Abdul Sattar Shaikh @ Mandrupkar

.....Applicant

Vs.

The State of Maharashtra

.....Respondent

Mr. M. U. Rajput for the Applicant.

Ms. Sharmila Kaushik, APP for Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 6th JULY, 2022.****P.C.:-**

This is an Application filed by the original accused No.1 for suspension of sentence and releasing him on bail. Applicant is convicted under Sections 498-A, 306 read with Section 34 of the Indian Penal Code and is sentenced to suffer maximum rigorous imprisonment of five years and to pay a total fine of Rs.2,000/- by the learned Additional Sessions Judge, Solapur in Sessions Case No.49 of 2019 by its Judgment and Order dated 14th January, 2020.

2. Learned Advocate for the Applicant/Appellant submitted that, during the pendency of the trial, the Applicant was released on bail and there is no report of breach of any of the conditions imposed upon him.

That, the Applicant has already deposited entire fine amount in the Registry of Trial Court. He further submitted that, the Applicant was released on temporary bail due to COVID-19 pandemic on 21st May, 2020. He surrendered to the jail authority on 26th May, 2022. He submitted that, during the said period of two years, there is no report of breach of any of the conditions imposed upon him.

3. The sentence imposed upon the the Applicant is five years of rigorous imprisonment. Applicant was on bail during the pendency of trial so also for a period of two years during the COVID-19 pandemic and there is no report of breach of any of the conditions imposed upon him. Possibility of hearing present Appeal on its own merits in near future is remote. In view thereof, the substantive sentence imposed upon the Applicant can be suspended and Applicant can be released on bail.

4. Hence, following Order:-

- (i) Applicant/Accused No.1 in Sessions Case No.49 of 2019 be released on bail on his furnishing P. R. bond of Rs.25,000/- with one or two local sureties in the like amount.
- (ii) During the pendency of the appeal, Applicant is directed to attend Vijapur Naka Police Station, Solapur 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.

5. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)