

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

***CRIMINAL INTERIM APPLICATION NO.3040 OF 2021
IN
CRIMINAL REVISION APPLICATION NO.254 OF 2021***

Sajid Akbar Khan Pavaskar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Syed Asif Abbas Naqvi, for the Applicant.

Ms. Veera Shinde, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 19th JANUARY 2022

(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 the aforesaid Revision Application.
3. The applicant vide Judgment and Order dated 17th May 2018, passed by learned 5th Judicial Magistrate First Class, Ratnagiri, in Summary Criminal Case No.198 of 2016 was convicted for an offence punishable

under Section 509 of the Indian Penal Code and was sentenced to suffer simple imprisonment for six months and to a pay fine of Rs.5000/-, in default, to suffer simple imprisonment for two months. As far as the offence punishable under Section 353 of the Indian Penal Code is concerned, the applicant was acquitted of the said offence. Being aggrieved by the said Judgment and Order of conviction and sentence, the applicant preferred an appeal before the Sessions Court at Ratnagiri. The learned Additional Sessions Judge, Ratnagiri vide Judgment and Order dated 18th November 2021 passed in Criminal Appeal No.31 of 2018 dismissed the applicant's appeal and as such confirmed the conviction and sentence awarded by the trial Court.

4. The Revision Application has been admitted by a separate order passed today and the same is not likely to come up for the hearing in the immediate near future. The sentence imposed is a short term sentence. The applicant was on bail throughout trial as well during the pendency of of his appeal and has not misused or abused the liberty granted to him.

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 the aforesaid Revision, on the following terms and conditions :

ORDER

- i) The Applicant be released on cash bail in the sum of Rs.15,000/-, for a period of six weeks;
- ii) The Applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.15,000/- 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 Revision Application is finally disposed of;
- iv) The Applicant shall keep the trial Court informed of 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 allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.