

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.509 OF 2022
IN
CRIMINAL APPEAL NO.138 OF 2022

Shanti Poojari Mumtaz Salim Shaikh

Applicant

versus

The State of Maharashtra

Respondent

Mr.Prabhanjay R. Dave, Advocate for applicant.

Ms.PN.Dabholkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th February 2022

PC :

1. This is an application for suspension of sentence and grant of bail during pendency of Criminal Appeal No.138 of 2022. The applicant has been convicted vide judgment and order dated 21st June 2021 passed by learned Additional Sessions Court, City Civil & Sessions Court, Greater Bombay in Sessions Case No.854 of 2015 for offences under Sections 4,5,6 of PITA Act and Section 343 of IPC. The maximum sentence imposed by the Trial Court while conviction is of three years.

2. The applicant was on bail during trial. The sentence was suspended by the Trial Court on the date of conviction.

3. Learned advocate for applicant submits that the applicant is lady. There are discrepancies in the evidence adduced by prosecution. The sentence is of short term. The appeal may not come for final hearing immediately.

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4. Learned APP submitted that the offence is of serious nature. There is evidence against applicant.

5. Considering the fact that applicant is convicted for the aforesaid offences and maximum sentence imposed is of three years and also considering the fact that applicant was on bail and sentence was suspended by the Trial Court after conviction, this application deserves to be allowed. Hence, I pass following order :

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) The sentence of imprisonment imposed vide judgment and order dated 21st June 2021 passed by learned Additional Sessions Court, City Civil & Sessions Court, Greater Bombay in Sessions Case No.854 of 2015 is suspended and the applicant is directed to be released on bail on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for ten weeks in lieu of sureties;
- (iv) The applicant shall attend Trial Court once in six months on First Saturday of the month till disposal of the Criminal Appeal;
- (v) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;
- (vi) In the event of default committed by the applicant in attending the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)