

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 778 OF 2022
IN
CRIMINAL APPEAL NO. 241 OF 2022

Aslam Sarkar Malik Shaikh ... Appellant/Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Ritesh M. Thobde a/w. Mr. Sagar S. tambe advocate for the Appellant/Applicant.

Mr. S.V. Gavand, APP for the respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 15, 2022.

PC. :

1. Applicant is permitted to pursue prayer clause (b) in this application by separate application seeking suspension / stay of conviction. Prayer clause 'b' is permitted to be deleted from this application. Amendment to be carried out forthwith.

2. This is an application seeking suspension of sentence and grant of bail pending Criminal Appeal No. 241 of 2022.

3. The applicant is convicted for the offence punishable under section 325 and 323 of Indian Penal Code. For the conviction under section 325 of Indian Penal Code, he is sentenced to suffer simple imprisonment of one year and fine of Rs. 4000/- and for the conviction

under section 323 of Indian Penal Code, the applicant has been sentenced to suffer simple imprisonment of six months and fine of Rs. 1000/-

4. The applicant was on bail during the trial. The sentence of imprisonment has been suspended by the trial Court on the date of conviction till 18th March 2022.

5. Considering the fact that the sentence of imprisonment is of short term and other factual aspects, this application can be allowed. Hence, the following order :-

ORDER

(i) Interim Application is allowed and disposed of;

(ii) The sentence of imprisonment imposed vide judgment and order dated 18th February 2022 passed by learned Additional Sessions Judge, Solapur in Sessions Case No. 133 of 2021 is suspended and 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 a period of eight 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)