

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 921 OF 2022
IN
CRIMINAL APPEAL NO. 272 OF 2022

Shahavaiz Fakruddin Shaikh ...Applicant/Appellant
Versus
The State Of Maharashtra ...Respondent

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Mr. Manish S. Gaikwad, Advocate for the Applicant/Appellant
Mr. Ajay Patil, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 17th MARCH, 2022

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal No.272 of 2022.

2. The applicant has been convicted for offences punishable under Sections 353, 332, 336 & 504 of Indian Penal Code (for short "IPC"). He has been sentenced to suffer imprisonment for six months each for offences under Sections 353 & 332 of IPC and sentenced to pay fine of Rs.200 for conviction under Section 336 of IPC and fine of Rs.500/- for conviction under Section 504 of IPC.

3. The applicant was on bail during the trial. The

sentence of imprisonment has been suspended by the trial Court under Section 389 of Cr.P.C. on the date of conviction. The said order is in operation till 21st March, 2022. Considering that sentence is of short term and since the applicant was on bail during the trial, this application can be allowed.

4. Hence, I pass the following order:

ORDER

- i. Interim Application No. of is allowed;
- ii. During the pendency of Criminal Appeal No.272 of 2022, the sentence of imprisonment imposed vide Judgment and order dated 18th February, 2022 passed by learned Additional Sessions Judge, City Sessions Court for Grater Bombay at Mumbai in Sessions Case No.788 of 2018 is suspended and the applicant is directed to be released on bail on executing P.R. 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 ten weeks in lieu of surety.
- iv. The applicant shall attend the trial Court once in six months on first Saturday of the month till the final disposal of the appeal;
- v. In the event, there are two consecutive default in attending the trial Court, the said fact may be brought to the notice of this Court and in such eventuality, the prosecution

will be at liberty to prefer an application for cancellation of bail.

vi. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)