

Santosh

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

**INTERIM APPLICATION NO. 1225 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 6327 OF 2022**

Mohammad Asif Shaikh & anr. ...Applicants

Versus

State of Maharashtra ...Respondent

Mr. Vivek Pandey, a/w Girish Agarwal, Ridhima Mangaonkar,
Aayush Tiwari, i/b Ridhima Mangaonkar, for the
Applicants.

Mr. S. R. Agarkar, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 20th APRIL, 2022

PC:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicants were prosecuted for the offences punishable under Sections 353 and 332 read with Section 34 of the Indian Penal Code, 1860 ("IPC"). By a judgment and order dated 6th February, 2016, the learned Additional Chief Metropolitan Magistrate, 4th Court, Girgaon, Mumbai, convicted the applicants for the offences punishable under Sections 353 and 332 read with 34 of IPC and sentenced to suffer rigorous

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imprisonment for three months and pay fine of Rs.3,000/-, on each count, with a default stipulation.

3. The appeal preferred by the applicant, being Criminal Appeal No.170 of 2016, came to be dismissed by the learned Additional Sessions Judge, Mumbai, by the judgment and order dated 1st April, 2022. The applicants are thus in revision.

4. Perused the impugned judgment and material on record.

5. The applicants were on bail during the pendency of trial as well as appeal. The applicants appear to have roots in society. Arguable questions are raised. Hence, I am inclined to suspend the sentence and release the applicants on bail during the pendency of the revision.

6. Hence, the following order:

: O R D E R :

(i) The application stands allowed.

(ii) The substantive sentence stands suspended till the hearing and disposal of the revision application.

(iii) The applicants be released on bail on furnishing P.R. Bond of Rs.15,000/- each, and a surety in the like amount to the satisfaction of the learned Magistrate.

Interim application disposed.

[N. J. JAMADAR, J.]