

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1386 OF 2022
IN
CRIMINAL APPEAL NO. 1121 OF 2018

Imtiyaj Usman Memon

.....Applicant

Vs.

The State of Maharashtra

.....Respondent

Mr. Shaikh Hasanali E. Mooman i/by Shaikh Abdul Kalam for the Applicant.
Mr. S. S. Hulke, APP for State.

CORAM : A. S. GADKARI, J.

DATE : 20th JUNE, 2022.

P.C.:-

This is an Application for suspension of sentence and releasing the Applicant on bail.

2. Applicant has been convicted under Section 304(II) and under Section 307 of the Indian Penal Code and under Section 7 of the Arms Act and is sentenced to suffer maximum rigorous imprisonment for 10 years and to pay total fine of Rs.8,000/- by the learned Additional Sessions Judge, Borivali Div., Dindoshi, Mumbai by its Judgment and Order dated 24th October, 2017.

3. Mr. Mooman, learned counsel for the Applicant submitted that, without taking into consideration remissions, the Applicant as of today has undergone actual imprisonment of 8 years and 10 months out of total sentence of 10 years imposed upon him. He, on instructions, submitted

that, the Applicant has already deposited fine amount in the registry of the trial Court.

4. As the Applicant has practically undergone his entire sentence, this Court is of the view that the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

5. Hence, the following Order :-

- (i) Applicant/Accused be released on bail in C.R. No. 444 of 2013 registered with Malvani Police Station, Mumbai on his furnishing P.R. bond of Rs.15,000/- with one or two separate solvent local sureties in the same amount.
- (ii) The procedure of furnishing of P.R. bond and solvent local sureties be completed within a period of 12 weeks from today.
- (iii) Till the Applicant complies with the procedure of furnishing P.R. bond and solvent sureties as directed above, Applicant is permitted to deposit cash bail of Rs.15,000/- with the Trial Court.
- (iv) During the pendency of the appeal, the Applicant is directed to attend Malvani Police Station on every first Monday of the month initially for a period of 1 year and thereafter on every first Monday of every 3rd month, i.e. 4 times in a year, till final hearing of present appeal.

6. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)