

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

**INTERIM APPLICATION NO. 1336 OF 2022
IN
CRIMINAL APPEAL NO. 427 OF 2022**

Mohammad Azaruddin Iqbal Shaikh ...Applicant/Appellant
Versus
The State Of Maharashtra ...Respondent

....

Mr. Prashant D. Patil, Advocate for the Applicant/Appellant.

Mr. Arfan Sait, APP for the Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 26th APRIL, 2022.**

PER COURT:

1. This is an application for seeking suspension of sentence and grant of bail during the pendency of Criminal Appeal No.427 of 2022 challenging the judgment of conviction.

2. The applicant is convicted for offence under Section 353 of Indian Penal Code (for short “IPC”) and sentenced to suffer simple imprisonment for six months and to pay fine of Rs.1,000/-. He is also convicted for offence punishable under Section 504 of IPC and sentenced to suffer simple imprisonment for three months and to pay fine of Rs.500/-. He is further convicted for offence under Section 506 of IPC and sentenced to suffer simple imprisonment for three months and to pay fine of Rs.500/-.

3. Learned counsel for the applicant on instructions submitted that without prejudice to his defence in the present appeal the applicant would not repeat similar offence.

4. The applicant was on bail during the trial. The sentence of imprisonment was suspended on the date of conviction i.e. on 23rd March, 2022 till the appeal period is over. The sentence is of short term. Hence, This application can be allowed.

5. Hence, I pass the following order:

ORDER

i. Interim Application No. 1336 of 2022 is allowed;

ii. During the pendency of Criminal Appeal No.427 of 2022, the sentence of imprisonment imposed vide Judgment and order dated 23rd March, 2022 passed by learned Additional Sessions Judge-8, Nashik in Sessions Case No.245 of 2019 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 a period of eight 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 defaults 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.)