

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

**INTERIM APPLICATION NO. 2061 OF 2021
IN
CRIMINAL APPEAL NO. 44 OF 2022**

Danish Istiyaq Ansari

...Applicant/
Appellant

Versus

The State Of Maharashtra

...Respondent

....

Ms. Leena Patil, Advocate for the Applicant/Appellant.

Mr. S. V. Gavand, APP for the Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 14th FEBRUARY, 2022.**

PER COURT:

1. This is an application for suspension of sentence and grant of bail pending Criminal Appeal No.44 of 2022.

2. The applicant has been convicted vide judgment and order dated 30th November, 2016 passed by the Additional Sessions Judge -1, Vasai in Sessions Case No.72 of 2014 convicting him for offence under Section 304 (part-I) of Indian Penal Code (for short “IPC”) and sentencing him to undergo imprisonment for 10 years with fine of Rs.5,000/-.

3. Although the applicant was convicted in 2016, the appeal was preferred through jail in 2019. Appeal has been admitted. Learned Advocate Ms. Leena Patil appointed to

represent the Appellant/applicant filed application for suspension of sentence. It is submitted that the applicant was arrested somewhere in 2014 and he is in custody for a period of about 8 years. The sentence is of 10 years.

4. Considering the fact that the applicant has undergone the sentence of about 8 years out of 10 years, case for suspension of sentence is made out.

5. Hence, I pass the following order:

ORDER

- i. Interim Application No. 2061 of 2021 is allowed;
- ii. During the pendency of Criminal Appeal No.44 of 2021, the sentence of imprisonment imposed vide Judgment and order dated 30th November, 2016 passed by learned Additional Sessions Judge, Vasai in Sessions Case No.72 of 2014 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 twelve weeks in lieu of surety.
- iv. During the period of cash bail, the applicant shall attend Waliv Police Station once in a week on Saturday between 11.00 a.m. to 1.00 noon.
- v. The applicant shall attend the trial Court once in

six months on first Saturday of the month till the final disposal of the appeal;

vi. 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.

vii. This order shall be communicated to applicant/appellant in the jail, where he has been detained.

viii. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)