

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

**INTERIM APPLICATION NO.2685 OF 2022
IN
CRIMINAL APPEAL NO.854 OF 2022**

Fakira Bhikan Shaikh Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Virendra V. Pethe, Advocate for Applicant.
- Smt. M. R. Tidke, APP for the State/Respondent No.1.
- Ms. Sabina Ansari a/w Aisha N. Shaikh, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th OCTOBER, 2022**

P.C. :

1. This is an application for suspension of sentence and for bail pending hearing and final disposal of the Criminal Appeal No.854 of 2022.

2. The Applicant was convicted for commission of offence punishable u/s 493 of the Indian Penal Code and was sentenced

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to suffer rigorous imprisonment for three years and to pay a fine of Rs.25,000/- and in default of payment of fine to suffer simple imprisonment for one year. He was convicted for commission of offence punishable u/s 419 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for two years and to pay a fine of Rs.25,000/- and in default of payment of fine to suffer simple imprisonment for six months. He was also convicted for commission of offence punishable u/s 504 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for six months and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer simple imprisonment for one month. The Applicant was acquitted of charges of commission of offence punishable u/s 376(1), 323 and 328 of the Indian Penal Code. All the substantive sentences were directed to run concurrently. Out of the fine amount, 90% of the fine was directed to be paid to the victim who is Respondent No.2 in this application.

3. Heard Mr. Virendra V. Pethe, learned counsel for the Applicant, Ms. Sabina Ansari, learned counsel for Respondent No.2 and Smt. M. R. Tidke, learned APP for the State.
4. Learned counsel for the Applicant submitted that the sentence is short and he is also granted bail after his conviction u/s 389(3) of Cr.PC. Learned counsel for the Respondent No.2 states that the Respondent No.2 and the Appellant were staying together on the date of conviction and even today they are staying together. She has no objection if the bail is granted to the Applicant.
5. The sentence is short. The Appeal is not likely to be heard during that period. The submission of learned counsel for the Respondent No.2 also is important. Therefore taking overall view of these aspects, the Applicant can be released on bail during pendency of the Appeal.
6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.854 of 2022, the Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)