

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO.276 OF 2022

Arbaz S/o Hafiz Shaikh

Versus

State of Maharashtra, through P.S.O. Kalmeshwar, Dist. Nagpur and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.P. Moon, Advocate for the appellant/applicant.

Shri M.J. Khan, A.P.P. for the respondent/non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 29/04/2022

Heard.

2. **Admit.**

3. Call for record and proceedings.

4. Shri M.J. Khan, learned APP waives service of notice to the respondent No.1/State.

CRIMINAL APPLICATION (APPA) NO.336 OF 2022

5. This is an application for suspension of sentence and grant of bail.

6. The appellant has convicted under Section 354-D of the Indian Penal Code and sentenced to suffer Rigorous Imprisonment for three years and to pay fine of Rs.2,000/-, in default to suffer Simple Imprisonment for two months. The appellant has further convicted under Section 506(ii) of the Indian Penal Code and sentenced to suffer

Rigorous Imprisonment for three years and to pay fine of Rs.2,000/-, in default to suffer Simple Imprisonment for two months.

7. The learned counsel for the applicant seeking suspension of sentence and grant of bail.

8. Having considered the findings recorded by the learned Sessions Court while convicting the applicant, I am of the opinion that in this case reappraisal and reappraisal of the evidence is necessary. It is necessary that the protection needs to be granted to the applicant. There is one more reason to allow this application is that applicant was on bail during the trial. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) The substantive sentence imposed by the learned Extra Joint District Judge & Additional Sessions Judge, Nagpur in Special (POSCO) Case No.357 of 2020 vide judgment dated 25.03.2022, is suspended till disposal of the appeal. Bail as in the trial Court with fresh bond.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]

Digitally signed by CHETAN
LOPCHAND DHAKATE
Signing Date: 30.04.2022
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