



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.653 OF 2019
WITH
INTERIM APPLICATION NO.1457 OF 2020
IN
CRIMINAL APPEAL NO.653 OF 2019

Siraj Hasan Shaikh ...Appellant/Applicant

vs.

The State of Maharashtra ...Respondent

.....

Mr. Sagar A. Joshi, for the Appellant/Applicant.

Mr. A.R. Patil APP for the Respondent.

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CORAM : NITIN B. SURYAWANSHI, J.

DATED : 1st NOVEMBER 2023

P. C. :

This is an application for suspension of sentence and grant of bail during the pendency of criminal appeal preferred by Applicant challenging the judgment and conviction.

2. Applicant is convicted by the Adhoc Additional Sessions Judge-1 for District Raigad at Alibag in Sessions Case No.116 of 2012 under Section 498-A of the Indian Penal Code and thereby sentenced to

suffer rigorous imprisonment for one year and to pay fine of Rs.500/- in default in payment of fine to undergo rigorous imprisonment for one month and further convicting Applicant under Section 306 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for five years and pay fine of Rs.1,000/-, in default in payment of fine to undergo rigorous imprisonment for three months.

3. Heard learned Counsel for Appellant/Applicant and learned APP for Respondent-State.

4. Perused the record. Sentence is a short term sentence and the appeal preferred by Applicant/Appellant is not likely to be heard in near future. In the wake of decision of the Apex Court in the case of **Bhagwan Rama Shinde Gosai and Ors. vs. State of Gujrat**¹, and as Applicant has already undergone two years of imprisonment out of sentence of five years imprisonment imposed on him and, as most special grounds are made out, the application is allowed. Hence, following order:

- (i) Interim Application is allowed.
- (ii) Substantive sentence of imprisonment imposed vide judgment and order dated 30th March 2019 in Sessions Case No.116 of 2012 arising out of C.R.No.212 of 2012 registered

1 (1999) SCC (Cri.) 553

with the Panvel Town Police Station is suspended during the pendency of the appeal.

- (iii) Applicant-Siraj Hasan Shaikh be released on bail on executing PR bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iv) Applicant shall attend the concerned police station once a month on every Sunday between 10.00 a.m. to 12.00 p.m..
- (v) Applicant shall furnish his permanent address as well as present address and Cell number/s to the concerned police station.

[NITIN B. SURYAWANSHI, J.]